

KFM House journal of the 25<sup>th</sup> legislative  
9018 assembly 1937

.A2  
1937  
25th

Montana State Library



3 0864 1006 9881 3



























HOUSE JOURNAL

OF THE

Twenty-fifth Legislative  
Assembly

OF THE

STATE OF MONTANA

---

Held at Helena, the seat of Government of Said State,  
commencing January 4th, 1937, and  
ending March 4th, 1937

---

PUBLISHED BY AUTHORITY

---

STATE PUBLISHING CO., HELENA, MONT.



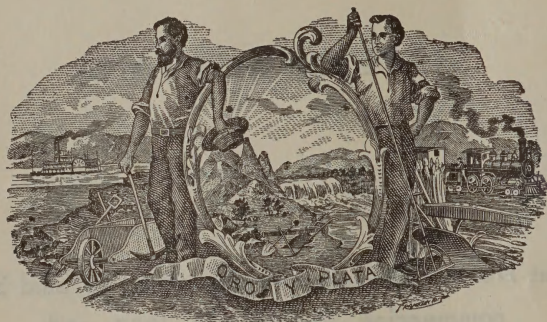


HOUSE JOURNAL

OF THE

Twenty-fifth Legislative  
Assembly

OF THE



PUBLISHED BY AUTHORITY

# OFFICERS AND MEMBERS

## OF THE

### 25th Legislative Assembly of the State of Montana

Governor: ROY E. AYERS  
 Lieutenant Governor and President of the Senate: HUGH R. ADAIR  
 Speaker of the House: H. D. ROLPH

#### STATE SENATORS

NAME	Residence	County	Politics
*Anderson, Alfred R.	Sioux Pass.	Richland.	Democrat
*Angvick, Lars.	Reserve.	Sheridan.	Republican
Armstrong, B. B.	Livingston.	Park.	Democrat
*Arnold, S. C.	Broadview.	Stillwater.	Republican
*Baker, Arthur A.	Glendive.	Dawson.	Republican
*Baker, Finis E.	Libby.	Lincoln.	Democrat
*Benjamin, H. E.	Shelby.	Toole.	Democrat
Calder, Thomas.	Terry.	Prairie.	Democrat
*Campbell, John L.	Missoula.	Missoula.	Republican
Chapman, D. W.	Peerless.	Daniels.	Democrat
*Cooper, George R.	DeBorgia.	Mineral.	Republican
*Cotter, Chas. P.	Townsend.	Broadwater.	Republican
Drumheller, Dan M.	Cut Bank.	Glacier.	Democrat
*Eaton, Ernest T.	Polytechnic.	Yellowstone.	Republican
Ecton, Zales N.	Manhattan.	Gallatin.	Republican
Foor, Arlie M.	Wolf Point.	Roosevelt.	Republican
*Garrison, J. B.	Reichle.	Madison.	Republican
*Groff, H. C.	Victor.	Ravalli.	Democrat
*Hammond, W. L.	Carlyle.	Wibaux.	Democrat
Harlen, Harry C.	Chinook.	Blaine.	Democrat
Harris, Orville.	Wh. Sulphur Spgs.	Meagher.	Republican
*Hollenback, B. D.	Buffalo.	Judith Basin.	Republican
Kathan, A. E.	Brady.	Pondera.	Democrat
Keeley, William E.	Deer Lodge.	Powell.	Republican
Kroman, Charles L.	Miles City.	Sweet Grass.	Republican
Lamp, F. M.	Big Timber.	Teton.	Republican
*Larson, T. O.	Choteau.	Rosebud.	Republican
*Lies, Frank.	Forsyth.	Garfield.	Republican
Mahoney, Charles H.	Jordan.	Big Horn.	Democrat
Mann, Harry T.	Pryor.	Golden Valley.	Democrat
Metzger, F. C.	Rothiemay.	Silver Bow.	Democrat
*Meyer, Harry.	Butte.	Beaverhead.	Democrat
Montgomery, George H.	Dillon.	Deer Lodge.	Democrat
Murphy, Thomas F.	Anaconda.	Cascade.	Democrat
*Nass, J. N.	Glasgow.	Valley.	Democrat
*O'Day, R. S.	Great Falls.	Cascade.	Democrat
*Oliver, John.	Ekalaka.	Carter.	Republican
*Page, John R.	Philipsburg.	Granite.	Democrat
*Pauline, Robert.	Kalispell.	Flathead.	Republican
Plank, Leonard.	Chester.	Liberty.	Democrat
Plumer, A. J.	Hysham.	Treasure.	Democrat
Robinson, Fred L.	Malta.	Phillips.	Republican
Robson, Dr. A. F.	McCone City.	McCone.	Democrat
*Shannon, Ray N.	Thompson Falls.	Sanders.	Democrat
*Sibbert, Henry N.	Winnett.	Petroleum.	Republican
*Simmons, H. A.	Red Lodge.	Carbon.	Republican
Smith, Paul W.	Helena.	Lewis and Clark.	Republican
Starks, Hayes.	Joplin.	Hill.	Democrat
*Stevens, I. Thayer.	Harlowton.	Wheatland.	Republican
*Sullivan, M. J.	Alhambra.	Jefferson.	Democrat
†Sullivan, W. P.	Square Butte.	Chouteau.	Democrat
†Swertelle, George A.	Roundup.	Musselshell.	Democrat
Tierney, W. P.	Ronan.	Lake.	Democrat
Waite, W. T. (Bill).	Broadus.	Powder River.	Republican
*Wass, L. M. A.	Roy.	Fergus.	Democrat
†Weinschrott, John.	Plevna.	Fallon.	Republican

\*Holdover. Elected 1934.

†To fill unexpired term of George A. Colbo, Deceased.

‡To fill unexpired term of V. F. Blankenbaker, Deceased.

Secretary of the Senate: GEO. A. BURR.



# House of Representatives

NAME	Residence	County	Politics
Acher, John W.	Zurich.	Blaine.	Democrat
Alvord, A. A.	Thompson Falls.	Sanders.	Democrat
Anderson, Andrew E.	Fort Benton.	Chouteau.	Democrat
Anderson, A. W.	Butte.	Silver Bow.	Democrat
Anderson, Eric.	Regina.	Phillips.	Republican
Anderson, Hugo.	Libby.	Lincoln.	Democrat
Bjorneby, Emil G.	Kalispell.	Flathead.	Democrat
Bloom, Edward.	Red Lodge.	Carbon.	Democrat
Bower, Frank A.	Tarkio.	Mineral.	Democrat
Brayman, C. W.	Missoula.	Missoula.	Democrat
Brennan, James P.	Sidney.	Richland.	Democrat
Burns, Ernest.	Whitefish.	Flathead.	Democrat
Campbell, Ray C.	Great Falls.	Cascade.	Democrat
Chamberlain, Clarence	Sand Creek.	McCone.	Republican
Chatham, J. F.	Butte.	Silver Bow.	Democrat
Cohen, A. B.	Butte.	Silver Bow.	Democrat
Conner, J. B.	Farmington.	Teton.	Democrat
Crouse, L. E.	Belgrade.	Gallatin.	Democrat
Cruikshank, Mabel.	Bozeman.	Gallatin.	Democrat
Cusick, W. M.	Kalispell.	Flathead.	Democrat
Daly, Geo. H.	Billings.	Yellowstone.	Democrat
DeDobbeleer, Jasper, Sr.	Glasgow.	Valley.	Democrat
D'Ewart, Wesley A.	Wilsall.	Park.	Republican
Dougherty, James N.	Elliston.	Powell.	Democrat
Eggenberger, Andrew D.	Harlowton.	Wheatland.	Republican
Elliott, Harvey.	Missoula.	Missoula.	Democrat
Finnegan, Frank J.	Anaconda.	Deer Lodge.	Democrat
Freeman, Walter C.	Butte.	Silver Bow.	Democrat
Goodwin, Phil C.	Butte.	Silver Bow.	Democrat
Green, Henry R.	Lindsay.	Silver Bow.	Democrat
Haight, Herbert H.	Suffolk.	Dawson.	Republican
Hamilton, Mrs. W. W.	Dodson.	Fergus.	Democrat
Hardcastle, Ernest A.	Butte.	Phillips.	Democrat
Haugan, K. O.	Fishtail.	Silver Bow.	Democrat
Heavlin, J. B.	Missoula.	Stillwater.	Republican
Hedden, H. T.	Billings.	Missoula.	Democrat
Hess, H. H.	Havre.	Yellowstone.	Democrat
Holness, Melvin N.	Billings.	Hill.	Democrat
Holecek, J. F.	Havre.	Yellowstone.	Republican
Ijams, S. E.	Lewistown.	Fergus.	Democrat
Jackson, Peter V.	Great Falls.	Cascade.	Democrat
Joffray, E. N.	Norris.	Madison.	Democrat
Johnson, Theodore J.	Clancy.	Jefferson.	Democrat
Kelson, Charles H.	Bloomfield.	Dawson.	Democrat
Kruse, Albert H.	Shelby.	Toole.	Republican
Lambert, H. A.	Brusett.	Garfield.	Republican
Lasby, W. D.	Havre.	Hill.	Democrat
Leeson, George.	Townsend.	Broadwater.	Republican
Lehrkind, Carl, Jr.	Bainville.	Roosevelt.	Republican
Lemmer, Frank.	Bozeman.	Gallatin.	Democrat
Levisse, A. B.	Great Falls.	Cascade.	Democrat
Lippard, Gordon J.	Polson.	Lake.	Democrat
Longenecker, H. H.	Loma.	Chouteau.	Democrat
Love, Ed.	Hamilton.	Ravalli.	Republican
Lovell, Edward F.	Miles City.	Custer.	Democrat
McClain, M. A.	Anaconda.	Deer Lodge.	Republican
McKenna, George S.	Missoula.	Missoula.	Democrat
McLeod, Archie D.	Geyser.	Judith Basin.	Democrat
Mackie, Robt. W.	Great Falls.	Cascade.	Democrat
Manning, D. M.	Lewistown.	Fergus.	Democrat
Masterson, James W.	Hysham.	Treasure.	Democrat
Measure, Ambrose G.	Miles City.	Custer.	Democrat
Metcalf, Lee.	Kalispell.	Flathead.	Democrat
Metlen, Joe.	Stevensville.	Ravalli.	Democrat
Miles, Ben B.	Armstead.	Beaverhead.	Democrat
Miller, Guy A.	McLeod.	Sweet Grass.	Republican
Miller, R. J.	Flaxville.	Roosevelt.	Democrat
Minette, Dr. C. H.	Lodge Grass.	Big Horn.	Democrat
Mitchell, Harry.	Cut Bank.	Glacier.	Democrat
Monahan, George.	Butte.	Silver Bow.	Democrat
Muholland, M. J.	Livingston.	Park.	Democrat
Mungas, George M.	Butte.	Silver Bow.	Democrat
Nelson, Wm. J.	Phillipsburg.	Granite.	Republican
O'Connor, G. W.	Barber.	Golden Valley.	Democrat
O'Shea, Jas. J.	Fromberg.	Carbon.	Republican
Padbury, Fred H.	Red Lodge.	Carbon.	Democrat
Parker, Clem.	Helena.	Lewis and Clark.	Republican
Peterson, N. A.	Wibaux.	Wibaux.	Democrat
Peterson, P. C.	Valier.	Pondera.	Democrat
	Westby.	Sheridan.	Democrat

**HOUSE OF REPRESENTATIVES—(Continued)**

NAME	Residence	County	Politics
Phelan, D. J.	Billings.	Yellowstone.	Democrat
Reed, W. H.	Turner.	Blaine.	Republican
Rolph, H. D.	Joplin.	Liberty.	Democrat
Ruffcorn, George W.	Glasgow.	Valley.	Democrat
Schneider, M. L.	Baker.	Fallon.	Democrat
Scofield, Chas. L.	Biddle.	Powder River.	Republican
Scott, Walter.	Roundup.	Musselshell.	Democrat
Shanley, Geo. H.	Great Falls.	Cascade.	Democrat
Sherman, Charles H.	Wh. Sulphur Spgs.	Meagher.	Democrat
Smith, Sherman W.	Helena.	Lewis and Clark.	Republican
Sorte, Marvin J.	Scobey.	Daniels.	Democrat
Speigel, Sam.	Butte.	Silver Bow.	Democrat
Stimatz, Thomas G.	Butte.	Silver Bow.	Democrat
Stortz, R. Bailey.	Forsyth.	Rosebud.	Democrat
Stromnes, E. J.	Great Falls.	Cascade.	Democrat
Toomey, Edmond G.	Helena.	Lewis and Clark.	Republican
Trandum, E. H.	Billings.	Yellowstone.	Democrat
Tyler, R. G.	Homestead.	Sheridan.	Democrat
Vanek, Joe.	Brooks.	Fergus.	Democrat
Waldrop, George R.	Winnett.	Petroleum.	Democrat
Wenger, Edward A.	Anaconda.	Deer Lodge.	Democrat
Whaley, James.	Marsh.	Prairie.	Democrat
Wood, C. L.	Alzada.	Carter.	Democrat

Chief Clerk of the House: JOHN J. JEWELL.



# INDEX BY DAYS

Legislative Day	Date, 1937	Page No.
1st	January 4	1
2nd	5	11
3rd	6	13
4th	7	20
5th	8	33
6th	9	None
7th	10	None
8th	11	36
9th	12	43
10th	13	47
11th	14	49
12th	15	53
13th	16	None
14th	17	None
15th	18	55
16th	19	58
17th	20	65
18th	21	71
19th	22	78
20th	23	None
21st	24	None
22nd	25	86
23rd	26	96
24th	27	106
25th	28	113
26th	29	122
27th	30	132
28th	31	None
29th	February 1	144
30th	2	152

Legislative Day	Date, 1937	Page No.
31st	February 3	167
32nd	4	178
33rd	5	194
34th	6	210
35th	7	None
36th	8	217
37th	9	233
38th	10	250
39th	11	263
40th	12	285
41st	13	307
42nd	14	321
43rd	15	326
44th	16	340
45th	17	365
46th	18	384
47th	19	407
48th	20	424
49th	21	444
50th	22	459
51st	23	478
52nd	24	491
53rd	25	515
54th	26	527
55th	27	539
56th	28	554
57th	March 1	558
58th	2	569
59th	3	595
60th	4	635

# SUBJECT INDEX

Should be used in connection with Title Index at page xxix for the  
House Bills and page cxix for the Senate Bills

	H. B.	S. B.
Abstractors, compensation of .....	58	
Accounting, practice of public .....	130	
Acknowledgment:		
Form of by corporation .....		58
Officer taking .....		61
Required in transfer of property when .....		60
Actions, forcible entry and detainer .....		177
Administrators: See "Probate Proceedings"		
Adult education classes .....	233	
Aeronautics:		
Licensing and enforcement by Highway Patrol .....	178	
State Aeronautics Commission .....	186	
Agricultural resources, conservation of .....		125
Appointment and removal of assistants, deputies, etc....	65	
Appointment of Standing Committees..... Pages 3-11-14-15-19-20-30-39-40-41-42-44.		
Appointment of officers, and tenure of office.....	101	
Apportionment House of Representatives .....	22	
Appropriations:		
Bandmaster State Prison .....	312	
Briscoe, Andy .....	245	
Capitol Building, for completion of stone work.....	325	
Capitol Building grounds, adjacent purchase authorized	410	
Claims of the 24th Assembly .....	322	
Construction work on Highway 2 .....	355	
Deficiency .....	320	
Departments and institutions .....	411	
Exceeding fiscal by State Boards and Commissions.....	6, 60	
Expenses of officers and attaches for incidental expenses .....	297	
Floor coverings for House and Senate Chambers and lobbies .....	318	
Granting Board of Examiners authority to decrease expenditures .....	6	
Greater University of Montana .....	168	
Hospitalization charges and bills of Gilbert McMullen..	294	
Inheritance taxes illegally collected .....	327	
Institutions, general .....	146	
Insurance premiums to State Insurance Fund .....	321	
Judgment in favor Pietro Maria Anabile Notti for Steven Angelo .....	274	
Justin D. Lovely .....	400	
Mileage and per diem of members .....	4	
Mileage and per diem of Presidential Electors .....	323	
Prohibiting any officer, department or institution from exceeding authorized .....	6	
Refund of gasoline taxes paid by various departments of the United States .....	316	
Refund to Cooperative Grazing Association of fees paid for filing articles .....	291	
School for Deaf and Blind, purchase of equipment and moving expenses .....	201	
Sheriff, Fred B., Commissioner of State Aeronautics....	324	
State Departments .....	246, 337	



	H. B.	S. B.
State Library Extension Commission .....	372	
State T. B. Sanitarium for new building .....	409	
State Water Conservation Board .....	379	
Tax refunds erroneously paid .....	317	
Treloar, Sam H., services as Bandmaster .....	408	
Vocational School for Girls, Montana State Hospital and School for Deaf and Blind .....	319	
Archaeological features, preservation of .....	52	
Arson, burning of property to defraud an insurer .....	157	
Athletic contests, licensing and jurisdiction over .....	87	
Attachment, levy of, and providing method of attaching stocks of corporations when officers do not reside in State .....	394	
Attorneys, prohibiting acquiring of claims for purpose of bringing action thereon .....	257	
Automobiles, license plates .....	243	
Banking Department, Commissioner of State Securities...	280	
Banks:		
Directors, changing number of .....		88
Federal Deposit Insurance Corporation as liquidator of .....		81
Hours of labor .....	363	
License for opening and operation of, interest, etc.....	296	
Barber and Beauty Shops, license fees for .....	275	
Barbers:		
License fees .....	253	
Licensing of .....		104
Beer:		
Limited retail license .....	389	
Manufacture and sale of 4% beer .....		161
Montana Beer Act, amending .....	340	
Premises where sold open during what hours .....	110	
Sale of to minors .....	92	
Births, registry of .....	85	
Blind, State Commission for improving condition of .....	41	
Blood tests, admission as evidence when .....		64
Board of Examiners:		
Authority to decrease expenditures under appro- priations granted .....	6	
Duties concerning contracts for state owned automobiles .....	229	
Employment of clerical and executive assistance.....	60	
Bond issues, relating to percentage of electors required to vote on school .....		11
Bonds:		
County—See "County".		
Fiduciaries and financial institutions may invest in what .....		46
Refunding, issuance by School District .....	142	
State officers, increasing .....	350	
Validating public .....	66	
Bounties, limitation on .....	61	
Bounty on coyotes, etc. ....		82
Boxing, wrestling, etc., licensing and jurisdiction over...	87	
Bridges:		
Public, maintenance act repealed .....	264	
Within city upon highway crossing natural stream.....	369	
Briscoe, Andy, payment of monies for injuries received	245	
Budget, state, providing for .....	368	
Bureau of Labor and Industry .....	283	
Bureau of Mines and Geology, field examinations by.....	145	
Burial of deceased soldiers, sailors and nurses.....	365	
Burning of property to defraud insurer .....	157	

# SUBJECT INDEX

ix

	H. B.	S. B.
Businesses, records of, as evidence .....	179	
Cattle, inspection of, duties of inspectors .....		6
Chain stores, licensing of .....	38	
Chattel mortgages:		
Filing and recording of subordination agreements or waivers in favor of subsequent purchasers.....	364	
When proceedings by power of sale enjoined.....		34
Child labor, goods manufactured by, prohibited from sale		79
Cigarettes:		
License and sale of .....	25	
Throwing lighted cigarette a misdemeanor .....		184
Cities and Towns:		
Alteration of city boundaries .....	219	
Bonds:		
Form of and rate of interest .....		45
Issuance by, validating previous bonds .....	84	
Refinancing for cities and towns and Water Conservation Board .....	256	
Bridges within crossing natural stream separating counties .....	369	
Condemnation of property .....		99
Council:		
Power to transfer or lease municipal property .....	115	
To publish minutes and records of proceedings .....		80
County and township officers, nomination and election of .....		43
Extending security for special improvement dis- trict bonds to include sidewalks and curbs.....	265	
Fire Departments:		
Hours of work of members .....		173
In cities and towns .....	33	
Gasoline tax refund to .....	103	
Hours of labor:		
Members of Fire Departments, minimum compensation .....	151	
Members Fire Department Relief Associations.....	357	
Indebtedness of, and submission to electors .....		143
Insurance of buildings and personal property owned by .....	132	
Justices of the Peace, salaries in .....		120
Liability of for injuries because of defective bridges, streets, etc. ....	263	
Motor vehicle funds for streets .....	302	
Police Commission .....	333	
Police reserves and providing tax levy .....	271	
Powers of Clerk and Treasurer in collecting annual road poll tax .....	114	
Precinct registers in elections, when not prepared.....		115
Relating to fire departments .....	33	
Revenue producing undertakings:		
Financing of .....	155	
Issuance of bonds for .....	412	
Road poll tax:		
Collection of by .....	114	
Repealed .....	135	
Sale of merchandise on Sundays and holidays and between what hours on week days .....	331	
State Examiner, duties in examining .....	120, Sub 120	
Tax to be levied by for municipal purposes for maintaining public parks .....	119	
Civil Service, State, creation of .....	141, 293	
Classification of lands to value of \$2500.00 for taxation purposes .....		31

	H. B.	S. B.
Close pursuit, uniform law for .....		135
Coal mining industry, wash houses and ventilation.....	29	
Coal, to preserve resources of State .....	91	
Codes, Revised of 1935:		
Adoption of .....	24	9
Distribution and sale of by Secretary of State.....	286	
Commercial feeding stuffs:		
Inspection, licensing .....		183
Regulating sale and defining .....	404	
Commissioner of Labor, duties under wage security act .....	176	
Commissioner of State Lands, salaries of Commissioner, and others .....	254	
Commissioner of State Securities.....	280	
Commission on Intergovernmental cooperation, establishment of unpaid .....		32
Compensation for women, minimum.....	53	
Comptroller, creating office of State .....	107	
Conditional sales contracts on motor vehicles.....	75	
Constitutional Amendments:		
Sec. 7 of Art. V—appointment of senators and representatives to hold public office.....		16
Sec. 1 of Art. XVIII—Bureau of Agriculture and Bureau of Labor and Industry .....	283	
Sec. 19 of Art. VIII—County Attorney, qualifications and term of .....	374	
Sec. 2 of Art. XII—exemption from taxation of household goods, etc. ....		15
Sec. 2 of Art. XII—exemption of residential property from taxation .....	1	
Sec. 1-7, 9, 12, 16, 19, 21, 22, 24, 40 and 45 of Art. V—legislative authority .....		108
Sec. 1-16, 19, 21, 24, 27, 28, 32, 40, 41, 45 of Art. V— legislative authority, unicameral plan .....	73	
Art. XII—new section 1 (b)—license tax on motor vehicles .....	395	
Sec. 6 of Art. V—meeting of Legislative Assembly.....	266	
Sec. 5 of Art. XVI—qualifications and terms of office of county officers .....	86	
Sec. 6, 7, 8, 9, 10, 11 of Art. XXI—relating to investment and administration of Public School Permanent Fund .....		40
Sec. 1 of Art. V—relating to the Legislative Depart- ment and powers reserved to the people.....	380	
Sec. 5 of Art. XVI—removing County Superintendent of Schools from list of County Officers.....	105	
New Section 46, Art. V.—providing for State Budget .....	368	
Sec. 1, 2 of Art. VII—Superintendent of Public Instruction, term shall commence when, method of selecting .....	106	
Sec. 6 of Art. VI—terms of certain officers.....	262	
Sec. 6 of Art. V—time when Legislature shall meet.....	225	
Constitution Day, observance of.....		176
Contracting, license and registration for private.....	68	
Contractor's license, investigation of applicant and granting of .....		174
Coroners—See "County"		
Corporations:		
Amendments, providing additional method.....	124	
Banks—See "Banks"		
Benevolent and beneficiary societies, incorporation and licensing of .....		89



# SUBJECT INDEX

xi

	H. B.	S. B.
Churches, Charities, Fraternal Societies, Benevolent Associations .....	326	
Cooperative Associations: Exempting from Blue Sky Law.....	231	
Relating to and validating issuance of shares of stock .....		85
Directors as trustees after dissolution.....		90, Sub. 90
Foreign corporations may qualify to do business how .....	112	
Form of acknowledgment by .....		58
Housing authorities, relating to creation of.....	371	
License tax, exemptions .....	80	38
Summons, service upon .....		78
Water Users Associations granting continual existence to .....		117
Cosmetics, preventing manufacture and sale of misbranded .....		171
Counties: Abandonment and abolishment of .....		124
Consolidation of, salary and bond of officers.....		132
County: Board of Education .....	239	
Bonds, issuance by Commissioners .....		113
Budgets .....		153, 190
Burial of deceased .....	208	
Commissioners: Appointment of deputies and assistants and fixing compensation .....		30
Legalizing sale of property by .....	96	
Powers to contract for printing and supplies.....	35	
Construction of works protecting rivers and streams from pollution .....	240	
Coroners, relating to fees of .....	17	
Deputies and assistants, fixing number and compensation .....		30
Deputies, number that may be allowed.....		120
Indebtedness, issuance of bonds for purpose of funding and providing tax levy .....	172	
Officers: Deputies, assistants, fixing number and compensa- tion by Board of County Commissioners.....		30
Nomination and election of .....		43
Qualifications and terms of— Constitutional Amendment .....	86	
Salaries of .....	282, 306	
Property, leasing of .....	238	
Public Administrator, surrender of books and records on termination of term of office, compensation for service performed .....	195	
Public hospitals .....		72
Sales of real property, validating.....	96	
Sheriff: Fees of .....	270	
Salary in 6th and 7th classes.....	162	
Superintendent of Schools, removal from list of County officers .....	105	
Surveyors and salaries .....	71	
Tax deed lands, insurance contracts for sale of.....	218	
Tax Title Clerk .....	253	
Warrants, interest on .....	203	
Court procedure: Findings of fact by experts, right of cross-examination .....	181	

	H. B.	S. B.
Juvenile delinquents .....	56	
Courts:		
Judgment by default in Justice Court.....		100
Judicial notice of statutes .....	180	
Justice:		
Court costs in .....	288	
Time for appearances in .....		51
Justices of the Peace, providing books and office space .....	163	
Right to suspend sentence and revoke suspended sentence .....		112
Crime, mutual helpfulness between states regarding persons convicted of .....		137
Crimes and punishments:		
Act and intent or negligence .....	118	
Extortion, written threats .....	255	
Criminal proceedings, witnesses from out of State in.....		136
Criminal procedure, right to suspend sentence and revoke suspended sentence .....		112
Dairy products, production and sale of.....	82	
Dance halls, licensing and regulation of.....	398	
Deaf and Blind, establishment of school for at Great Falls .....	74	
Debts, order of payment of .....	76	
Defendants, who may be made party.....	83	
Deficiency judgments, limiting right to maintain actions for .....	89	
Demurrer, time of filing in criminal actions, serving, hearing of .....		59
Demurrers on motion, costs .....	237	
Deposit purposes, Federal Housing Administration debentures, insured mortgages, eligible for.....		48
Director General, creation of office.....	356	
Discrimination between citizens in regard to certain services and employment .....	360	
Divorce:		
Actions, expense and alimony in.....	401	
Causes for, incurable insanity .....	221	
Period of residence to obtain .....	78	
Residence necessary for .....	382	
Residence required to obtain .....		139
Dower, sale or mortgaging of, insane or incompetent married women .....		18
Driver's license, providing for .....	211	
Dying wearing apparel, licensing solicitors.....	188	
Education:		
Establishing standards and designating duties of State Board of .....	338	
State Board of, Retirement for teachers and employees .....	359	
Egg Industry:		
Development of .....	108	
Regulation of .....		131
Eggs:		
Cold storage, sale .....	386	
Purchase and sale of .....	259	
Elections:		
Absent electors, voting by .....	48, 388	
Ballot:		
How prepared and what information shown upon....		123
Size, form, color and listing of candidates.....	348	
Ballots:		
Marking of and disposition .....		94

# SUBJECT INDEX

xiii

	H. B.	S. B.
Preparation and form of .....		138
Cancellation of registration of electors.....		65
Candidates for office must resign position when.....	40	
Canvass of returns at Primary.....		101
Clerks and Judges of, appointment, appointment of special board .....		95
Conduct of .....		155, 156
County and township officers, nomination and election of .....		43
Fixing hours for polls at special elections.....	3	
Fraudulent practices in registration and voting.....	160	
Including as qualified electors, persons physically unable to vote at precincts .....	11	
Increasing election judges in larger precincts.....	216	
Judicial ballot:		
Rotation of names upon .....	287	
Upon main ballot .....		165
Legislature, manner for placing candidates for on ballot .....	403	
Nomination petition, percentage of electors required on .....	392	
Office holder to file resignation from office before filing petition for nomination .....	346	
Posting notices of close of registration.....	244	
Precinct registers .....		115
Primary, repeal of; nomination of candidates by Convention System .....		159
Printing and posting of election proclamations.....	47	
Registration, cancellation for failure to vote .....	104	
Returns .....		157, 158
Voters, qualifications of .....		102
Electrical energy producers license tax.....	159	
Electric wires or lines, penalty for cutting, moving or interfering with .....		76
Emergency relief by employment by counties, cities, etc. ....	S. Sub. H. B.	154
Eminent domain, venue .....		33
Employees:		
Clerks, deputies, etc., appointment or removal.....	65	
Of Departments prohibited from accepting any re- munerative employment from the State while on leave of absence .....	16	
Payment of wages to discharged.....	361	
Relating to wages of and coercion.....	68	
Employment, preference of soldiers and sailors in public .....	63	
Engineering and land surveying, act to regulate and creating Board of Registration for professional.....	334	
Estates:		
Of deceased persons, order of payment of debts of.....		52
Order of payment of debts in.....	76	
Evidence:		
Admission of blood tests in certain cases.....		64
Business records as .....	179	
Reports of findings of fact prepared by experts.....	181	
Reports of state officers as .....	182	
Execution of judgment, redemption money.....		97
Executors—See "Probate Proceedings"		
Expenditures, Board of Examiners authorized to decrease under appropriations .....	6	
Extradition, uniform procedure .....		141
Fairs, State aid to county and district agricultural.....	10	
Fair trade practices, protection of trade mark owners.....	70	



	H. B.	S. B.
Federal:		
Copyright laws, in aid of, prohibiting price fixing monopolies and combinations in restraint of trade, creating State Anti-Monopoly Board .....	396	
Deposit Insurance Corporation, liquidator of banks, when .....		81
Housing Administrator bonds and insured mortgages, eligible for deposit purposes .....		48
Housing Administrator debentures and mortgages, investment of Land Board funds in .....		47
Financial institutions and fiduciaries, may invest in certain bonds .....		46
Findings of fact prepared by experts .....	181	
Fire Departments in cities and towns .....	33	
Fish and Game:		
Acquirement of water rights for conserving of .....	373	
Beaver, protection of .....	217	
Breeding of birds and animals .....	311	
Deer:		
In Carbon County .....	342	
In Teton County .....	345	
Deputy Wardens, qualifications and duties .....	393	
Elk:		
Deer, antelope, game birds, fur-bearing animals, open season, opening and closing of season on fish .....	Sub. 149	
Hunting and killing of in Gallatin County .....	307	
Open season in Lewis and Clark County .....	136	
Exchange of fishing and hunting privileges with Indian authorities .....	384	
Guide, defining and licensing .....		186
Hunting:		
Persons to wear certain distinguishing marks .....	143	
Season, Park County .....	96	
License:		
Fees .....	69	
For breeding birds, game and fur-bearing animals .....	377	
For breeding birds and game .....	376	
Migratory water fowl .....		169
Acquisition by U. S. of lands and waters for .....	117	
Moose, buffalo, caribou, antelope, killing of .....	378	
Open season for deer .....	299	
Preserves, creation and altering of boundaries .....	30	
Restrictions on manner of taking .....	284	
Screening:		
Devices .....	383	
Of mill races, ditches, etc. ....	173	
Season and bag limits .....	149	
Shipping of by non-residents .....	268	
Foods:		
Licensing eating places .....		167
Relating to public health and safety by licensing food vending establishments .....	20	
Forcible entry and detainer actions .....		177
Foreclosure in mortgages, actions for .....	169	
Forest and Conservation Experiment Station .....	197	
Forest Fires, liability for extinguishment .....		194
Forestry, creation of Montana State Board of .....	328	
Forests, Land Commissioners may acquire .....	330	
Freight and passenger trains, limiting length of .....	13	
Funds:		
Directing transfer of moneys from State Public School Fund .....	81	

# SUBJECT INDEX

xv

	H. B.	S. B.
Revolving, abolishing .....	313	
State Treasurer, may invest surplus when State Depository Board permits .....		107
Gambling:		
Games, prohibiting .....	241	
Licensing and control .....	177	
Gas:		
License tax on corporations engaged in sale of natural gas .....	199	
Natural, is public utility .....	137	
Gasoline license tax, distribution for construction purposes .....		96
Gasoline tax:		
Distribution of proceeds .....		62
Paid by U. S. Government, refund of .....	316	
Refund to cities .....	103	
Gasoline taxes:		
Exemptions from .....	204	
Refund of .....	234	
Gas severance tax .....	199	
Government, support of State .....	352	
Governor's Messages .....	Pages 4-537-585	
Grazing:		
Apportionment of funds under Taylor Grazing Act.....	126	
Associations, refund of fees paid for incorporation.....	291	
Commission, creating .....	100	
Taylor Act, State Treasurer custodian of funds.....		50
Hay, licenses for buying and selling, inspection of.....		178
Health:		
Board of:		
Examination and licensing of Supts. in charge of water purification .....	304	
Inspection and regulations of public resorts.....	273	
County and district departments, establishment of Boards of .....		163
State Board of, may receive grants of money from U. S. or agencies .....		163
Highway Commission:		
Creation, salary, bond, term of office.....		175
Labor to be employed on day labor basis.....	236	
Highway Construction, distribution of gasoline license tax monies for uncompleted highways .....		96
Highway Patrol:		
Aeronautical inspector .....	178	
Establishing .....		103
Highway Patrolmen, power to arrest when .....	222	
Highways:		
Reckless and irresponsible drivers on.....		54
Speed limit on .....	212	
Holidays, Constitution Day .....		176
Home Owners Loan Corporation bonds, fiduciaries may invest in .....		46
Homestead, selection of, and quantity and value of land therefor .....		7
Homicide, punishment for manslaughter .....		110
Hospitals, County public .....		72
Hours of Labor:		
Drivers and attendants of motor trucks.....	343	
Employees of hotels, restaurants, cafes.....	267	
Fixing in certain industries .....	362, 363	
Members of Fire Departments in cities and towns, compensation minimum .....	151, 357	
Minors and women .....	248	

	H. B.	S. B.
Retail stores .....	354	
Underground miners .....	72	168
Hours of Service, drivers of commercial motor vehicles .....		122
Hours of telephone operators .....	250	
Housing authorities, creation of public bodies.....	371	
Hucksters, amount of license .....	335	
Hunters, to wear certain distinguishing marks or clothing .....	143	
Hunting season in Park County.....	95	
Impeachment .....	Pages 601-634-635	
Improvement districts, interest on assessments in special, and rate of interest .....		44
Income, State, revolving funds abolished.....	313	
Income tax:		
Rate of .....	88	
Relating to gross income .....		37
Infantile paralysis sanitarium, construction of.....	309, 310	
Inheritance tax .....	79	
Initiative and Referendum, form of ballot.....		27
Insect pests, reimbursement of Counties for campaign against .....	184	
Insurance:		
Act, administer contracts under .....		182
By State and subdivisions of buildings and personal property owned by State .....	132	
Companies:		
Group insurance policies and certificate.....	314	
Licensing agents .....	113	
Contracts for sale of County tax deed lands.....	218	
Policies, providing that resident agents shall countersign .....	209	
Providing for separate Department of.....		195
Return of premiums on Lewis and Clark and Powder River school districts to State .....	315	
Interest:		
Earned on surplus Treasurer's funds credited to General Fund .....		107
Legal rate of and licenses for opening banks.....	296	
Maximum rate of .....	15, 399	179
Payments, conformity in with acts of Congress.....		119
Rates:		
Bonds, cities and towns .....		46
Improvement district assessments .....		44
On debts .....		13
Intergovernmental cooperation, establishment of Commission .....		32
Irrigation corporations, unequal assessments against shares of .....		192
Irrigation districts: .....	97	
Board may spend funds for control of noxious weeds....	64	
Elections, qualification and designation of electors entitled to vote at .....	252	
Refunding bonds of .....	185	
Relating to powers of .....		152
Islands, property of State, held in trust for Public Schools .....	116	
Itinerant vendors license .....		145
Judicial notice of statutes .....	180	
Judgment debtors, exemptions .....	375	
Judgments:		
By default and otherwise in Justice Courts.....	93	
Right to maintain actions on deficiency.....	89	



# SUBJECT INDEX

xvii

	H. B.	S. B.
Jurors:		
Drawing of .....	228	
Qualification of, women as exemptions.....	128	
Justices of the Peace:		
Providing with books and office space.....	163	
Salaries .....		120
Salaries, quarters, office hours.....	23	
Juvenile delinquents, probation officers .....	55	
Kindergartens, establishing and maintenance of .....	232	
Labor:		
Compensation to be paid to laborers employed by State or subdivisions .....		74
Department of and Industrial Relations, creating, powers and duties .....	18	
Preference in public works .....	130	
Land Board, acquiring of land for State forests and parks .....	330	
Lands:		
Exchange of between Land Commissioner and Water Conservation Board .....		57
Islands, abandoned river beds, etc., property of State for benefit of public schools .....	116	
State, prospecting permits for conduct of mining.....	140	
Laundering, licensing solicitors of wearing apparel.....	188	
Legislative Assembly, officers and employees, appointment and compensation of .....		36
Legislative authority, constitutional amendment regarding .....		108
Legislative department, and powers reserved to the people, Constitutional Amendment .....	380	
Legislative Reference Bureau .....		160
Legislators holding public office .....		14, 16
Legislature:		
House of Representatives:		
Number, appointment, etc., of officers and employees of .....	77	
Reapportionment .....	22	
Time for meeting .....	225	
Unicameral plan .....	73	
Librarian of Law Department, employment of assistant and legislative secretary .....		114
License:		
Beer—See that title		
Butchers, meat peddlers, hide buyers.....		146
Contractors .....	68	174
Fees:		
For beauty and barber shops.....	275	
For sale of oleomargarine .....	277	
Motor vehicles .....	34	
Oil processing .....	402	
Fish and Game—See that title		
Foods .....		167
For food vending establishments .....	20	
For sale of evergreen trees for ornamental purposes....	54	
Hay, buying, selling .....		178
Huckster's, amount of .....	335	
Itinerant vendors' .....		145
Of stores .....	38	
Oil dealers .....	385	
Sale of cigarettes .....	25	
Solicitors of wearing apparel for dying .....	188	
Licenses:		
Boxing and athletic contests .....	87	

	H. B.	S. B.
For refrigeration compressor inspectors .....		162
Intoxicating liquors, sale by hotels, etc. ....	57	
Marriage, evidence required by Clerk of Court .....	90	
Painters, masters, contractors, journeymen .....	133	
License tax:		
Electrical energy producers' .....	159	
For coal mining .....	91	
For gambling .....	177	
For sheep shearing machines .....	2	
Licensing:		
Agents of insurance companies .....	113	
Commercial feed stuffs .....		183
Movie theatres .....	276	
Telephone business .....	102	
Lien on personal property taxes .....		84
Life insurance companies, licensing agents, solicitors, representatives of .....	113	
Liquor:		
Diverting proceeds to 20% to County Old Age Pension Fund .....		134
Increasing price of retail liquors .....		69
Montana Liquor Commission, establishing and powers thereof .....	152	
Permits .....		129
Permits for purchase of .....		4, Sub. 4
Regulating license and sale of by Liquor Control Board .....	196	
Regulating sale of, creating office of State Liquor Administrator .....	165	
Relating to control, sale, new control board.....		71
Sale of by hotels and restaurants .....	57	
State Liquor Administrator, and transferring all liquor and beer sale and licensing to said Administrator .....	269	
Stores, opening and closing of .....		3
Liquors:		
Increasing price of sold by Board .....	190	
Licensing and sale of .....	139	
Proceeds allocated General School Fund .....	196	
Livestock:		
Dealers, regulation, licensing, supervision .....		68
Highway partolmen may arrest motor vehicles carrying, when .....	222	
Indemnity for destruction of .....		87
Inspection of:		
And providnig fee for .....		128
Cattle, duties of inspectors .....		6
Markets, establishment, supervision, licensing and bonding of .....		56
Slaughtering of neat cattle and other non-fur- bearing animals .....		146
Taxation of for enforcing stock laws .....	61	
Lotteries, exempting Fairs, religious organizations, Farm and Labor Unions .....	39	
Manslaughter, punishment for .....		110
Marriage:		
Annulling, causes for .....	366	154
License, evidence required by Clerk of Court in issuing .....	90	
Memorials:		
House Joint .....	Index Page cxiii	
House .....	Index Page cxv	
Senate Joint .....	Index Page cxlv	

# SUBJECT INDEX

xix

	H. B.	S. B.
Merchandise, sale of on Sundays and week days .....	331	
Messages of the Governor.....Pages 4-537-585		
Milk Control Board .....	170	
Dissolution of .....	21	
Miners:		
Hours of labor for .....		168
Hours of labor of underground .....	72	
Mines:		
And Geology, State Bureau of, providing for field examinations .....	145	
Assessment of royalty in kind .....	131	
Smelters to mail statement of gross and net proceeds to lessees .....		25
Minimum Wage Commission, minimum wages for women and minors .....	174	
Mining:		
Coal, classifying methods of mining, license taxes for..	91	
Quartz, fire proof wash houses and loss by fire.....	164	
Prospecting permits for State lands .....	140	
Security for payment of wages .....	176	
To secure payment of salaries to employees engaged by employers in .....	14	
Wash houses and ventilation in coal mines .....	29	
Montana:		
Grazing Commission, creating .....	100	
Made supplies, use of in Public Works contracts.....	214	
Rural Rehabilitation Corporation, may sell assets.....		188
State Forest and Conservation Experiment Station.....	197	
State University, tuition charges and other expenses for students .....	27	
Mortgage foreclosures: .....	169	
Extending period of redemption .....	89	
Relief from .....	89	
Mortgage moratorium .....	387	142
Mortgages:		
Chattel, when proceedings by power of sale enjoined...		34
Of real property, manner of extension .....		77
Real estate, providing for recording of subordination agreements or waivers in favor of subsequent purchasers .....	364	
Motor carriers:		
May file complaint with Insurance Commissioner when insurance refused by any Insurance Com- pany, or bond cancelled .....	147	
Use of highways by .....	158	
Motor vehicle owners, financial responsibility of.....		54
Motor vehicles:		
Caravanning of, duty of Railroad Commission.....	161	
Disbursement of funds derived from the registration of	302	
Drivers license .....	211	
Hours of labor of truck drivers and attendants.....	343	
Hours of service for drivers of .....		122
Labeling of caravanned .....	37	
Levy and collection of license tax upon, consti- tutional amendment .....	395	
Liability for negligence .....		75
License plates for .....	220	
License plates on, relating fictitious plates, etc.....	243	
Licensing provisions .....	Sub. 211	
Non-resident owners, providing for service upon through Secretary of State .....	44	
Operators of in accidents .....	235	
Registration: .....	289	

	H. B.	S. B.
And license fees .....	34	
And reregistration .....	7, 42	
Fees .....	62	
Fees and disposal thereof .....	175	
Fees and disposition of .....		109
Trailers, dealers, method of licensing, title certificates, taxation of, conditional sales contracts on .....	75	
Unfair competition and to prohibit monopolies in financing sale of .....	150	
Movie theatres, licensing .....	276	
Narcotics, possession and sale of, duties of State Board of Health .....		83
National Guard, absence from state employment when attending annual encampment .....	347	
Natural gas, public utility .....	137	
Navigable lakes, and streams, lighting of booms, rafts, etc. ....	129	
Normal College, purchase of additional lands for campus purposes .....	390	
Nursing, regulating the practice of, State Board of Examiners for Nurses, fees, etc. ....		29
Oath of office, by school contractors .....	200	
Office:		
Declaring vacant certain public .....	101	
Elective, candidates for must resign position when.....	40	
Eligibility for appointment of members of the Legislative Assembly, to .....		14
Eligibility of Legislative members to public .....	391	
Holder, resignation required from office before filing petition for nomination .....	346	
Relating to Senators and Representatives holding.....		16
Officers:		
Appointment, term and removal .....		166
Public:		
Removal of by the Governor .....		21
Terms of certain, Constitutional Amendment .....	262	
Oil:		
License fees for dealers .....	370, 385, 402	
Reduce license tax on crude petroleum and fixing date for statements .....		147
Old Age:		
Assistance, taxation for, and regulating disbursement of taxes .....	153	
Pension Commission .....	153	
Pensions:		
Levy for and payment of .....	5	
Revenue from licensed gambling .....	177	
Oleomargarine, license fees for .....	277, 351	
Opiates, mescal buttons, sale of prohibited .....		149
Oreskovich, Mike, permission to institute actions against State for injuries sustained .....		150
Painting, licensing of persons engaged as master and contract painters .....	133	
Park Commission, State .....	227	
Parks:		
State, Land Commissioners may acquire land for State .....	330	
Tax assessment for .....	119	
Party defendants, who may be made .....	83	
Pay roll tax, to establish Commissioner of Labor, for security of wages .....	176	
Pay to laborers employed by State or County subdivision .....		74



# SUBJECT INDEX

xxi

	H. B.	S. B.
Petroleum Commission of Montana .....		66
Petroleum, reducing privilege and license tax		
levied and assessed on crude .....	329	
Pharmacy, practice and regulation of .....	272	
Photography, defining and regulating practice of .....		24
Pleadings, what are allowed, time for amendment, answer .....		28
Poor, tax levy for care of .....	171	
Potatoes, growing of .....	202	
Printing, public, contracts for .....	166	
Private contractors, license for .....	68	
Probate proceedings:		
Administrators and executors, bond of .....		23, 49
Administrators, who incompetent to act .....	122, 123	
Appointment by Court of corporation or officers thereof as administrators of estates, or as guardians of minors .....		249
Attorney for Minor, appointment of .....		121
Bonds of executors .....	194	49
Bond of guardianship and manner in which letters may be issued without bond .....	192	
Claims, allowance and rejection, statute of limitations		52
Clerks of District Courts may hold hearings .....	207	
Court of Judge to reduce bond penalty of executors .....	191	
Debts, order of payment in deceased's estate .....		52
Executors, and administrators, who are incompe- tent to act .....	122, 123	
Order of payment of debts of deceased persons .....	367	
Petition to executor to make conveyance, hearing .....		67
Powers of Clerks in issuances of notices and orders in guardianship matters .....		91
Reduction of bond penalty .....		98
Sale of personal property in .....	193	
Sale of property in .....	206	
Sales of land by administrators and executors, curing of defects .....	205	
Probation officers, appointment, salary, duties of .....	55	
Production for Use Commission, powers and appropriation .....	407	
Proof of records of businesses, professions, and estab- lishing law with reference thereto .....	179	
Property:		
Feloniously taken from one county to another .....		26
Transfer of, acknowledgment required when .....		60
Public Administrator—See "Counties"		
Public office, appointment of Senators and Represen- tatives to .....		16
Public officers—See "Officers"		
Public Service Commission, action to set aside rates or charges fixed by .....	127	
Public Utilities:		
Annual statement for rate making purposes .....		8
Requiring annual statement of property value for rate making purposes .....	12	
Public Utility, natural gas is .....	137	
Public Welfare, establishing Department of .....		116
Public Works:		
Commission .....		172
Contracts, use of Montana made supplies in .....	214	
Emergency relief program, extending .....	154	
Preference of Montana labor in .....	130	
Purchasing Department, governing of and manner of purchasing supplies .....		140

	H. B.	S. B.
Railroad Commissioners, Board of, appointment, and when they shall act .....		35
Railroad Company, defining term, preventing monopoly in transportation service .....		111
Railroads:		
Prohibiting from using highways for intrastate transportation .....		17
Regulating operation of by limiting train lengths.....	13	
Rates, public utilities—See "Public Service Commission"		
Recall for elected officials .....	215	
Redemption of property:		189
From Execution sales .....		97
From tax sale .....		39
Redemption of real property from tax sale .....	8	
Refrigeration compressors, inspectors of .....		162
Relief employment, authorizing State to take advantage of federal activities .....	415	
Relief, unemployment, cooperation with Federal Government for .....	50	
Reports:		
And public documents, distribution of .....	98	
Of State officers:		
Admission in evidence .....	182	
Publication of .....	32	
Reports of:		
Employment Committee.....Pages 11-13-30-34-54-642		
Mileage and per diem .....	Pages 17-100	
Pardons, etc. ....Page 22		
Select Committees (See Select Committees)		
Retirement system for school teachers .....	94	
Rivers and streams, county works to protect from pollution .....	240	
Road supervisor, abolished, when .....	71	
Ruins, preservation of prehistorical .....	52	
Rules .....	Pages 2-12-14-19-32-34-39-45-47-113-115- 116-327-441-511	
Rulings of the Speaker .....	Pages 154-536	
Rural electrification authority, securities exempt from investment law .....	231	
Rural improvement districts .....		170
Resolutions:		
House Joint .....	Index Page cxv	
House .....	Index Page cxvii	
Senate Joint .....	Index Page cxlvi	
On death of Gov. Frank H. Cooney.....Page 38		
On death of son of Hon. T. G. Stimatz.....Page 247		
On death of Col. Erastus H. Williams.....Page 371		
Salaries to workmen, to provide for security of payment .....	14	
Sale of unredeemed property by County Commissioners .....	224	
Sales of real property by County Commissioners, validating .....	96	
School:		
Bond elections, majority vote required .....	43	
Contracts, oath of office must be furnished by contractor .....	200	
District bonds, percentage of electors required to vote on .....		11
Districts:		
Examination by State Examiner .....	120	
Publication of annual financial statements .....	125	
Trustees power to issue refunding bonds .....	142	

# SUBJECT INDEX

xxiii

	H. B.	S. B.
Trustees, powers and duties .....	339, Sub. 339	
For the Deaf and Blind, establishment at Great Falls .....	74	
Health specialists under supervision of Superintendent of Public Instruction .....	210	
Physicians, appointment and duties .....	213	
Redistricting State for attendance purposes .....	301	
Teachers retirement, establishing system and providing Board of Administration .....	94	
Schools:		
Adult education .....	233	
Course of study in public .....	305	
County Superintendent of:		
Qualifications .....	167	
Removal from list of County officers .....	105	
High School building and dormitory, validating elections held for bond issue .....		148
High school districts, creation of under public works plan .....		20
Limitation of school levy .....		69
Music Supervisor for Superintendent of Public Instruction .....	148	
Public school general fund .....		5
Public school general fund transferred to public school interest and income fund .....	81	
Public school permanent fund, administration of, Constitutional Amendment .....		40
Public school teachers retirement salary fund board .....	336	
Release of pupils for classes in religious education and citizenship .....		144
Superintendent of Public Instruction and County Superintendents of, election of .....	111	
Superintendent of Public Instruction, term of office begins when, method of selection .....	106	
Teachers, reelection of and acceptance of appointment .....	300	
Transfer funds from state public school general fund to public school interest and income fund .....	81	
Transportation:		
Between districts .....	397	
Of public school pupils .....	156	
Trustees:		
Organization of, appointment of Clerk as Business Manager .....	144	
Power over all school property .....		126
Tuition and other charges to University students .....	27	
Security for wages, in coal and oil production business .....		127
Seed, labeling of agricultural .....		164
Select Committee Reports:		
To investigate Montana Relief Commission .....	Page 139	
To investigate gambling in Helena .....	Page 339	
To investigate Montana Soldiers' Home .....	Page 340	
To report on future state fairs .....	Page 440	
To investigate board of equalization .....	Page 497	
To investigate transfers of credits between units of the Great University of Montana .....	Page 598	
To investigate office of Supt. of Public Instruction .....	Page 599	
To investigate State Auditor and State Insurance Act .....	Page 601	
On Special Relief .....	Page 630	
To investigate elections in Silver Bow County .....	Page 667	
Service of process on non-resident owners of motor vehicles .....	44	
Service of summons, form, publication and .....		105

	H. B.	S. B.
Sheep shearing machines, license for imported .....	1	
Sheriffs, fees of .....	270	
Short train law .....	13	
Sidney pumping project .....	251	
Smelters, mailing statement to lessee of gross and net proceeds of ores .....		25
Social security:		
And welfare .....	226	
Cooperation with Federal Government for relief of unemployment .....	50	
Soil conservation:		
Districts, Soil Conservation Committee .....	298	
Providing for coordination under Federal Act.....		125
Soldiers and sailors, preference in public employment.....	63	
Soldiers, sailors and marines:		
Burial of deceased .....	365	
Educational opportunities for children of.....	183	
Standing Committees .....	Pages 3-11-14-15- 19-20-30-39-40-41-42-44	
State Bar of Montana, creation and establishment.....	138	
State Board of Land Commissioners, investment of permanent funds of .....		47
State Examiner, duties in examination of cities, towns, school districts .....	120	
State lands:		
Commissioner, and assistants, salary of.....	254	
Department of .....	281	
Leasing, assignment and subleasing of.....	121	
State Treasurer:		
State Depository Board may permit investment surplus cash when .....		107
Transfer of monies from public school general fund....	81	
Stores, licensing of .....	38	
Students' loan fund, University of Montana.....	198	
Summons:		
Form, publication and service of .....		105
How served .....		78
Publication of .....		185
Publication order for .....		106
Taxation:		
Cigarettes .....	25	
Classification:		
And basis for tax on land and lots with the im- provements when used for homestead purposes....	49	
Of lands, town and city lots, containing improvements .....	405	
Of property for .....		2, 86, 181
Of taxable property .....	46, 381	73
Corporation license tax, exemptions from.....	80	38
Equalization of by imposing tax on gross receipts of goods purchased .....	331	
Exemption:		
From .....	26	
Of certain personal property from.....		15
Of residential property from .....	1	
Household goods, exemption from .....		15
Income rate .....	88	
Inheritances .....	79	
Method of assessing property of public utilities.....	12	
Mines, assessment of Royalty in Kind.....	131	
Old age assistance .....	153	
On moneys and credits, bank shares.....	45	
Public utilities, assessing property .....		8



# SUBJECT INDEX

xxv

	H. B.	S. B.
Residential property exempted .....	1	
Water Conservation Board land exempt.....		55
Tax:		
Bonds, refunding of county indebtedness, levy of.....	172	
Deed:		
Defining title conveyed by .....	28	
Lands .....	223	
Reissuance of contracts for .....	218	
Sale of .....	242	
Permitting real property to be redeemed.....		1
Redemption of property .....		189
Time of taking .....	8	
Deeds:		
By Counties and employment of Tax Title Clerk.....	261	
Legalizing and validating .....		187
Method in applying for .....		92
Relating to effect of .....	Sub. 28	
Validating prior issues .....		133
Electrical energy producers license .....	159	
Gasoline, disposition of proceeds of.....		62
Income:		
Disposition of monies received from various tax sources .....	260	
Relating to gross income for taxation purposes.....		37
Investigation Commission .....		191
Levy:		
For care of poor and indigent .....	171	
For enforcing stock laws .....	61	
For school districts .....		69
In school districts limited .....	190	
Municipal and park purposes, amount which cities and towns may assess .....	119	
Road poll:		
Collection of by cities and town officers.....	114	
In cities and towns, repeal of.....	135	
Sales:	332	
Assignment by County Treasurers of duplicate certificates of .....		93
Permitting real property to be redeemed from.....		1
Redemption from:	290	
Of property .....		39
Of real property .....	8	
Title Clerk .....	253	
Taxes:		
Assessment and sale of real estate for.....	9	
Classification of lands for, with \$2500.00 value.....		31
Gasoline, exemption from .....	204	
Levy of, lien on personal property for.....	134	
Lien on personal property for .....		84
Mine, computing deductions allowable on.....	341, Sub. 341	
Payment of delinquent personal .....		22
Reducing on real and personal property by limiting levies .....	258	
Sale of unredeemed property by County Commissioners .....	224	
Time of payment for, penalty and interest.....	295	
Time for payment and method of collection, interest and penalty .....	187	
Taylor Grazing Act:		
Apportionment of funds received from Federal Government under .....	126	
State Treasurer made custodian of monies received under .....		50

	H. B.	S. B.
Telephone:		
Business, licensing .....	102	
Operators, hours of .....	250	
Temperance Commission, State .....	413	42
Textbooks:		
Contracts for supplying to State Textbook Commission .....	285	
Free for all schools .....	51	
Theatres, movie, licensing of .....	276	
Trade mark owners, protection to .....	70	
Trains, length of limited .....	13	
Transportation:		
Monopoly by competing forms of .....		111
Service, prohibiting railroads from using highways in intrastate .....		17
Treasurer, State, custodian of Taylor Grazing Act fund .....		50
Treasury funds, surplus may be invested by State Treasurer under authority of State Depository Board .....		107
Trees, license for sale of ornamental .....	54	
Trial jury:		
Attendance for 30 days except .....	230	
Drawing of capsules from .....	228	
Trials, separate .....		12
Tuition and other charges to students of State University .....	27	
Ugarkovich, Manda, permission to institute proceedings against State for death of husband .....		151
Unemployment:		
Compensation, Unemployment Compensation Commission, duties .....	344	
Cooperation with Federal Government for relief purposes .....	50	
Unfair practices act .....		19
University of Montana students' loan fund .....	198	
Veterans:		
Burial of deceased .....	365	
County burial of deceased .....	208	
Preference in employment .....	63	
War, printing and distribution of printed legislation relating to .....	99	
Vocational School for Girls, escape from a crime .....		193
Wages:		
Of employees and relating to coercion .....	67	
Security act for .....	176	
Water:		
Conservation Board:		
Construction of irrigating works across streams .....		118
Construction of Sidney pumping project .....	251	
Lands owned by exempt from taxation .....		55, Sub. 55
Refinancing bonds for revenue-producing works .....	256	
Diversion by non-owners prohibiting interference with Water Commissioner .....	303	
Purification, examination and licensing of superintendents in charge of .....	304	
Rights:		
Cooperation:		
With sister states regarding .....		10
With State of Wyoming .....	31	
Storage, providing for exchange of .....		41
Users associations, granting continual existence to .....		117
Weeds:		
Control of perennial noxious .....	64	

# SUBJECT INDEX

xxvii

	H. B.	S. B.
Destruction of noxious .....	308	
Welfare:		
And Social security .....	226	
Department of public .....	247	
Public, Department of .....		116
Williams, Arthur, compensation for accident.....	277	
Women, minimum compensation for .....	53	
Workmen's Compensation Act:		
Application for rehearing, contents, rules of procedure .....		63
Fixing compensation for Board and record thereof.....	406	
Investment of reserve funds in certain securities.....	109	
Workmen's compensation: .....	189	
Amending .....	19	
Defining "beneficiary", minor dependent, compensation to .....		70
Defining "employee" and "workman" including inmates of State Prison .....	292	
Definition of injury, compensation occupational diseases, X-ray pictures .....	59	
Inmates of State Prison included as "Employee".....	349	
Investigation of cases under Plan III.....	358	
Of officers .....	279	
To children and relatives .....	36	





# INDEX TO HOUSE BILLS

Bold face figures refer to roll calls: thus, 271.

No.	Title of Bill	Page
1	Introduced by Masterson: A Bill for an Act entitled: "An Act for the submission to the qualified Electors of the State of Montana, an amendment to Section 2, Article 12, of the Constitution of the State of Montana, relating to the exemption of property from taxation and authorizing the Legislature to exempt property used for residential purposes, in an amount of not to exceed \$2,500.00 of the value thereof.".....	13, 107, 119, 132, 153, 164, 165, 579, 581, 621.
2	Introduced by Spiegel, by request: A Bill for an Act entitled: "An Act requiring all persons, co-partnerships, corporations, firms, associations and others engaging in or carrying on for hire within the State of Montana the business of operating line shafts, head gears and drop hangers for operating sheep shearing machines or clippers, which said line shafts, head gears and drop hangers are brought into the State for temporary use therein, to pay to the State Treasurer of the State of Montana, license tax for engaging in or carrying on such business, fixing the amount of such license tax and providing penalties for the violation of this Act.".....	14, 100, 150.
3	Introduced by Padbury et al: A Bill for an Act entitled: "An Act fixing the hours at which the Polls for Special Elections shall be opened and closed.".....	14, 53, 56, 64, 65, 71, 76, 111, 127, 140.
4	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Twenty-fifth Legislative Assembly and for the payment of per diem of the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana.".....	15, 16, 31, 32, 33, 34.
5	Introduced by Alvord: A Bill for an Act entitled: "An Act to amend Section 7 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to levy for and payment of Old Age Pensions and also to amend Section 22 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to the granting or continuance of old age Pensions.".....	19, 366.
6	Introduced by Kruse et al: A Bill for an Act entitled: "An Act to prohibit any Authority, State Institution, Board, Bureau, Commission or De-	

No.	Title of Bill	Page
	partment of the State of Montana having charge or regulation or supervision of the disbursement or expenditure of the income provided for any such State Institution, Board, Bureau, Commission or Department maintained in whole or in part by the State, from expending or contracting to expend, or ordering or requiring any inferior authority to expend, any amount in excess of the annual income from Legislative Appropriation and other authorized sources and granting the board of Examiners authority to decrease expenditures under appropriations within the limitations of this Act and providing penalties for violation of this Act and for the removal from Office or Employment of persons violating this Act." .....	19, 62, 79, 85, 99, 104, 327, 360, 361, 512.
7	Introduced by Finnegan: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana for 1921, as amended by Section 1 of Chapter 103, of the Montana Session Laws of 1933, and to repeal Section 3, of Chapter 158, Session Laws of 1931, and amending Chapter 38 of the Extraordinary Session Laws of the Twenty-third Legislative Assembly of the State of Montana, relating to registration and registration fees of motor vehicles and dealers thereof, and distribution of the revenues therefrom." .....	31, 87, 110, 122, 133, 137, 211, 216, 236.
8	Introduced by Ruffcorn et al: A Bill for an Act entitled: "An Act to permit real property to be redeemed from tax sale by paying the original tax, provided such original taxes be paid on or before December 1, 1938, and relating to the time of taking Tax Deed." .....	31, 56, 66, 78, 81, 130.
9	Introduced by Anderson (Phillips) et al: A Bill for an Act entitled: "An Act to amend Section 2231, Revised Codes of Montana, 1921, relating to assessment and sale of real estate for taxes." .....	31, 150, 186, 217, 232, 242, 360, 406, 419, 434, 529.
10	Introduced by Fairs and Exposition Committee; Hamilton, Chairman: A Bill for an Act entitled: "An Act to provide State financial aid to County and District Agricultural Fairs and providing for the presentation, examination and payment of claims therefor." .....	35, 47.
Sub. 10	Introduced by Fairs and Exposition Committee: A Bill for an Act entitled: "An Act to provide state financial aid to county and district agricul-	

No.	Title of Bill	Page
	tural fairs and providing for the presentation, examination and payment of claims therefor.".....	47, 53, 120, 162, 177, 186, 193, 384, 446.
11	Introduced by Brayman et al: A Bill for an Act entitled: "An Act to amend Chapter 69, Sections 715-716-717-720-726-729-734 of the 1935 Revised Codes of Montana. To include qualified Electors physically unable to present themselves at voting precincts and providing a form of certificate of disability." .....	35, 62, 82, 90, 107, 108, 251.
12	Introduced by Peterson of Pondera et al: A Bill for an Act entitled: "An Act requiring public utilities to file an annual statement of the value of all property for rate making purposes and prescribing the method of assessing such properties for taxation." .....	35, 174, 196, 208, 211, 227, 550.
13	Introduced by Anderson of Silver Bow et al: A Bill for an Act entitled: "An Act regulating the operation of Railroads within the State of Montana, limiting the length of freight and passenger trains and providing penalties for the violation of this Act." .....	35, 45, 85, 97, 109, 111, 112, 113, 264.
14	Introduced by Chamberlain et al: A Bill for an Act entitled: "An Act providing for the greater Security for the payment of salaries and wages by employers engaged in the business of extracting, or of extracting and refining or reducing metals and minerals or mining for coal or drilling for oil, except such employers who have a free and unencumbered title to the fee of the property being worked." .....	35, 101.
Sub. 14	"An Act providing for the greater security for the payment of wages and salaries of employees of persons, associations of persons or Corporations engaged in the business of mining and/or reducing and refining for market, metals or minerals including coal, oil, gas and any other metallic or non-metallic deposits in the State of Montana; defining terms used in this Act; providing for the licensing of employers in such business by the Department of Agriculture, Labor and Industry, and empowering said Department to enforce the provisions of this Act; providing for deposits by employers to secure the payment of wages and salaries; providing a payroll tax to maintain a fund for the purpose of defraying the expense of administering this Act; providing penalties for violations of the provisions of this Act; providing that the powers by this Act vested in the Department of Agriculture, Labor and Indus-	

No.	Title of Bill	Page
	try and the duties imposed upon said Department shall, in the event of the creation of a Department and/or Commissioner of Labor, pass to such Department or Commissioner of Labor as the case may be; and making other provisions incidental to the general purpose of this Act and repealing all Acts or Parts of Acts in conflict herewith.".....	101, 119, 131.
15	Introduced by Chamberlain et al: A Bill for an Act entitled: "An Act to amend Section 7726 of the Revised Codes of Montana of 1935 relative to the maximum rate of Interest.".....	35, 62, 71, 78, 88, 89, 169.
16	Introduced by Johnson: A Bill for an Act entitled: "An Act prohibiting employees employed by the State of Montana, or Departments thereof from accepting any remunerative employment from the State of Montana during any leave of absence." .....	42, 60.
17	Introduced by Levissee: A Bill for an Act entitled: "An Act to amend Section 4922, Revised Codes of Montana, 1935, relating to the fees of County Coroners." .....	42, 50, 53, 56, 64, 65, 71, 76, 135, 139, 181, 208, 217, 229, 240, 256, 264.
18	Introduced by McLeod: A Bill for an Act entitled: "An Act providing for the creation of a separate department of Labor and Industrial Relations, prescribing its powers and duties." .....	42, 47, 53, 58, 64, 286.
19	Introduced by Spiegel, by request: A Bill for an Act entitled: "An Act to amend Sections 2816, 2841, 2843, 2898, 2911 and 2981 of the Revised Codes of Montana of 1935, and to repeal Sections 2978, 2979, 2980, 2982, 2983, 2984, 2985, 2986, 2987, 2988, and 2989 of the Revised Codes of Montana of 1935; all relating to Workmen's Compensation; and to repeal all Acts and parts of Acts in conflict herewith, with certain reservations.".....	42, 60, 69, 78, 88, 89, 264.
20	Introduced by Daly: A Bill for an Act entitled: "An Act relating to foods; to provide for the public health and safety by licensing places where food is prepared for human consumption, to be consumed on the premises; providing regulations, restrictions and conditions under which food may be prepared and sold for consumption therein; providing for the administration, disposition of funds, and penalties for the violation of the provisions of this Act." .....	42, 110, 111, 128, 138, 139.



No.	Title of Bill	Page
21	Introduced by Longenecker: A Bill for an Act entitled: "An Act to repeal Sections 2639.1, 2639.2, 2639.3, 2639.4, 2639.5, 2639.6, 2639.7, 2639.8, 2639.9, 2639.10, 2639.11, 2639.12, and 2640, Chapter 241, of the Revised Codes of Montana of 1935, the same comprising all of Chapter 241, of the Revised Codes of Montana of 1935; providing for the immediate dissolution of the Milk Control Board; providing for a final examination of the accounts of the Milk Control Board; providing for disposition of the funds and properties of the Milk Control Board." .....	42, 71.
22	Introduced by Levissee: A Bill for an Act entitled: "An Act to amend Sections 44 and 45, Revised Codes of Montana, 1935, relative to the apportionment of the Membership of the House of Representatives, said amendment providing for a reapportionment based on the 1930 census on a ratio of one Representative for each eight thousand population, or major fraction thereof." ..	44, 60, 71, 80, 118, 119, 120, 130, 132, 141, 145, 154, 178.
23	Introduced by Love: A Bill for an Act entitled: "An Act to amend Section 4929 of the Revised Codes of Montana of 1935, relating to the salaries of Justices of the Peace in certain Townships, their office hours and quarters." .....	44, 60.
24	Introduced by Stromnes et al: A Bill for an Act entitled: "An Act to approve, legalize and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89 of the Laws of the Twenty-third Legislative Assembly of Montana of 1933." .....	44, 47.
25	Introduced by Ruffcorn: A Bill for an Act entitled: "An Act relating to the sale of cigarettes and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon; and the levy, assessment, collection, payment and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof, and providing for the levy, assessment, collection, payment and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license and penalty for violation of this Act; defining the duties of State and County Officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid." .....	46, 187, 192.
26	Introduced by Ruffcorn et al: A Bill for an Act entitled: "An Act to amend Section 1998 of the	

No.	Title of Bill	Page
	Revised Codes of Montana of 1935, relating to exemptions from taxation." .....	46, 75, 100, 115, 126, 135, 147, 154, 171, 251.
27	Introduced by Alvord et al: A Bill for an Act entitled: "An Act to amend Section 866 of the Revised Codes of Montana of 1921 and Section 866 of the Revised Codes of Montana of 1935, relating to charges for tuition, fees and other expenses for Students at the Greater Montana State University." .....	46, 141.
28	Introduced by Phelan et al: A Bill for an Act entitled: "An Act defining the title conveyed by Tax Deed issued for real property sold for non-payment of taxes and assessments, or either of them, after the date of the passage and approval of this Act and repealing all Acts and parts of Acts in conflict herewith." .....	46, 75, 203.
Sub. 28	A Bill for an Act entitled: "An Act to amend Section 2215.9 of the Revised Codes of Montana, 1935, relating to the effect of tax deeds." .....	203, 236, 261, 263, 272, 384, 410, 411, 529.
29	Introduced by Scott et al: A Bill for an Act entitled: "An Act to amend Sections 3486, 3501 and 3504 of the Revised Codes of Montana of 1935." .....	48, 56, 69, 74, 78, 88, 89, 181, 208, 233, 360, 527, 566.
30	Introduced by Lemmer: A Bill for an Act entitled: "An Act to amend Section 3676 of the Revised Codes of Montana, 1935, relating to the creating of fish and game preserves, refuges, sanctuaries, rest grounds, closed seasons, prescribing penalties for a violation thereof, and repealing all Acts and parts of Acts in conflict herewith." .....	48, 62, 82, 90, 99, 103, 343, 406, 435, 445, 596, 597, 642.
31	Introduced by Wood: A Bill for an Act entitled: "An Act for the co-operation with sister states in water right matters and providing such appropriations of water be subject to reciprocal legislation of such sister states and repealing all laws in conflict with the provisions of this Act." .....	48, 62.
Sub. 31	Introduced by the Committee on Irrigation and Water Rights: A Bill for an Act entitled: "An Act for the cooperation with the State of Wyoming in water right matters and providing such appropriations of water be subject to reciprocal legislation of such State of Wyoming and re-	

No.	Title of Bill	Page
	pealing all Laws in conflict with the provisions of this Act." .....	62, 69, 74, 79, 81, 360, 406, 418, 434, 529.
32	Introduced by Mackie et al: A Bill for an Act entitled: "An Act to amend Section 520 of the Revised Codes of Montana for 1935 relating to the printing and publication of reports of State Officers, Boards, Bureaus, Commissions and Departments." .....	48, 60, 69, 74, 79, 81, 251, 262, 270, 293, 294, 434.
33	Introduced by Spiegel, by request: A Bill for an Act entitled: "An Act to amend Section 5109, Revised Codes of Montana for 1935, relating to fire departments in cities and towns of the state and providing for the establishment, organization, equipment, management and control thereof, as part of the police power of the state in the interest of public safety." .....	48, 54, 56, 64, 65, 71, 77, 125, 139, 169.
34	Introduced by Johnson: A Bill for an Act entitled: "An Act to amend Section 1759 of Chapter 152 of the Revised Codes of Montana of 1935, and to repeal all Acts in conflict herewith." .....	48, 415.
35	Introduced by Hoiness: A Bill for an Act entitled: "An Act to amend Section 4465.19 of the Revised Codes of Montana of 1935, relating to the powers of Boards of County Commissioners to contract for printing and supplies." .....	48, 115.
36	Introduced by Finnegan et al: A Bill for an Act entitled: "An Act to amend Section 2891, Revised Codes of Montana, 1935, relating to compensation to children, brothers and sisters and invalid children, providing when compensation ceases, and providing for lump sum payments in certain cases." .....	49, 70, 79, 85, 92, 94, 135.
37	Introduced by McClain et al: A Bill for an Act entitled: "An Act to provide for the labelling of new motor vehicles that have been driven, pushed, or towed or otherwise propelled before sale, and requiring that dealers in such motor vehicles provide a certificate showing the actual mileage such motor vehicle has travelled on its own wheels." .....	49, 69, 79, 85, 92, 95, 145, 147, 161, 180, 208, 268, 384.
38	Introduced by Miles et al: A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this state, the classifying of such stores,	

No.	Title of Bill	Page
	prescribing the license and filing fees to be paid therefor and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith: And prescribing penalties for the violation thereof.".....	49, 134, 181, 185, 198, 208, 217, 229, 237, 288, 306, 340, 345, 579, 580, 586, 621, 664, 665, 666, 700.
39	Introduced by Committee on Fairs and Expositions, Hamilton, Chairman: A Bill for an Act entitled: "An Act to amend Section 11149.1, Revised Codes of 1935 (originally enacted as Section 2, Chapter 36, Laws 1935) to remove the prohibitions thereof as to State and County Fairs, Church Bazaars, Religious or Fraternal Organizations, Social Clubs, Farm Unions and Labor Unions.".....	50, 60, 66, 79, 85, 92, 95, 236, 247, 251.
40	Introduced by Miller of Big Horn et al: A Bill for an Act entitled: "An Act providing that any elective or appointive officer of or for the State of Montana, or any District, County, City or Township or other subdivision of any thereof, or any Deputy, Assistant, Employee or other Person working therefore or holding any position of trust or place or position under any thereof who becomes a candidate for any elective office, except as a bona-fide candidate for reelection to any office then occupied by such person, shall at least thirty days before filing for said elective office, as required by law, resign the office, appointment or position then held; and providing that the office, appointment, position or employment of any person failing so to resign shall become vacant, retroactively if necessary and given directions with reference to the filing of such vacancies, and providing penalties of violation of this Act, and declaring the policy hereof and providing a severance clause, and for the repeal of any and all Acts, Statutes or Code provisions herewith.".....	50, 53, 56, 64, 65, 188, 324, 350, 357, 579, 580, 625, 665, 666.
41	Introduced by Reed: A Bill for an Act entitled: "An Act to establish a State Commission for improving the condition of the blind and for the prevention of blindness in the State of Montana and to prescribe the powers and duties thereof."..	52.
42	Introduced by Metcalf et al: A Bill for an Act entitled: "An Act amending Section 1759 of the Revised Codes of Montana, 1935, relating to the application for registration of motor vehicles and	



No.	Title of Bill	Page
	payment of license fees thereon, and the county in which such must be done.".....	54, 392, 435, 459, 468, 470, 579.
43	Introduced by D'Ewart, by request: A Bill for an Act entitled: "An Act to amend Chapter 40 of the Session Laws of 1935 otherwise known as Section 1224.14 Revised Codes of Montana, 1935, to require a majority vote in school bond elections." .....	54, 62.
44	Introduced by Acher: A Bill for an Act entitled: "An Act granting to non-resident owners and operators of motor vehicles the privilege of using the highways of the State of Montana and its political subdivisions and providing for the appointment by such non-resident users of such highways and by resident users of such highways of the Secretary of State as Attorney in Fact for such operators of motor vehicles for service of all lawful process in any action or proceeding against such operators of motor vehicles growing out of any accident, collision, or liability in which such operators of motor vehicles may be involved while operating motor vehicles upon such highways: and providing that the Act shall not apply if the defendant may with due diligence be found and personally served with process in the State of Montana." .....	54, 60, 74, 100, 112, 119, 121, 211, 228, 229, 264.
45	Introduced by Haight et al: A Bill for an Act entitled: "An Act to amend Section 2000.6 of the Revised Codes of Montana, 1935, relating to the classification and basis upon which taxes shall be imposed on moneys and credits and moneyed capital and also upon bank shares.".....	57, 236.
46	Introduced by Alvord et al: A Bill for an Act entitled: "An Act to amend Section 1999 of the Revised Codes of Montana of 1921 and Section 1999 of the Revised Codes of Montana of 1935, relating to the classification of taxable property in this state for the purpose of taxation, and also to amend Section 2000 of the Revised Codes of Montana of 1921 and Section 2000 of the Revised Codes of Montana of 1935, relating to providing the percentage of the true and full value of each class which shall be taken and used as the basis for the imposition of the tax thereon.".....	57, 398.
47	Introduced by Kruse: A Bill for an Act entitled: "An Act to repeal Section 535, Revised Codes of Montana, 1935, providing for the printing and posting of proclamations of elections.".....	57, 62, 69, 75.
Sub. 47	Introduced by Committee on Privileges and Elections: A Bill for an Act entitled: "An Act to amend Section 535 Revised Codes of Montana	

No.	Title of Bill	Page
	1935, providing for the printing of proclamations of elections." .....	124, 153, 161, 166, 168, 176, 211.
48	Introduced by Goodwin: A Bill for an Act entitled: "An Act to repeal Section 715 through Section 735 inclusive, relating to voting by absent electors." .....	57, 62, 69, 90.
49	Introduced by Ruffcorn et al: A Bill for an Act entitled: "An Act providing for the classification basis upon which taxes shall be imposed upon all land, town and city lots with improvements, to the value of twenty-five hundred dollars when used for homestead purposes." .....	57, 145, 181, 200, 204, 227, 529.
50	Introduced by McClain et al: A Bill for an Act entitled: "An Act to provide for the cooperation with the Federal Government and the several counties of the state in relieving the hardship and suffering caused by unemployment and other causes to establish and maintain a minimum standard for administering relief, and for creating the Public Welfare Commission and rights of collective bargaining and for the preparation of sufficient funds for the carrying out of the same."....	58, 412.
51	Introduced by Stromnes et al: A Bill for an Act entitled: "An Act relating to the furnishing of free text-books to pupils attending school, public or otherwise, including high schools, within the State of Montana, and amending Section 1198, Revised Codes of Montana of 1935." .....	58, 100, 115, 126, 127, 131, 141, 142, 251.
52	Introduced by Wood: A Bill for an Act entitled: "An Act to preserve the pre-historical ruins, ancient burial grounds, fossils, fossilized footprints, hieroglyphics and other archaeological features of Montana." .....	60, 153.
53	Introduced by Burns: A Bill for an Act entitled: "An Act to provide for a minimum compensation for women employed in any occupation within the State of Montana, excepting those employed under existing contract where the wages amount to (\$18.00) per week or more, and providing penalty for violation thereof." .....	60, 395, 424, 460, 468, 470, 579.
54	Introduced by Brayman: A Bill for an Act entitled: "An Act requiring every person engaged in the business of buying, selling or dealing in evergreen trees to be used for ornamental purposes to procure an annual license; and providing for amount of such license; and requiring certain reports to be made; and providing for computation and notice of license tax; and providing for investigation	

No.	Title of Bill	Page
	of erroneous statements; and providing for the unpaid amount of license tax to be a lien in favor of the state; and providing for the disposal of the proceeds of the tax." .....	61, 71, 203.
55	Introduced by McLeod: A Bill for an Act entitled: "An Act to amend Section 12288 of the Revised Codes of Montana of 1935, relating to the appointment, salary and duties of probation officers, to juvenile delinquents and to court procedure." .....	63, 118, 161, 172, 175, 177, 178, 191, 200, 208, 259, 270, 479, 488, 537.
56	Introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 632 of the Revised Codes of Montana of 1935, as amended by Chapter 118 of the Session Laws of the Nineteenth Legislative Assembly of Montana and Chapter 3 of the Session Laws of the Twentieth Legislative Assembly of Montana relating to the date of holding primary elections." .....	64, 124, 161, 177, 178, 190, 192, 205.
57	Introduced by Minette: A Bill for an Act entitled: "An Act authorizing the Montana Liquor Control Board of Montana to grant and issue licenses to hotels and restaurants to sell liquor to be consumed on the premises; authorizing the sale of liquor by licensed hotels and restaurants; defining the terms "hotel", "restaurant" and other terms used in this Act; fixing the amount of license fees to be paid; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to licensed hotels and restaurants by the Montana Liquor Control Board and the issuance of permits therefor and prohibiting the sale or traffic in liquor other than purchased at State Liquor Stores; prohibiting the sale of liquor to minors and other designated persons; providing for the investigation of applicants for licenses; authorizing the Montana Liquor Control Board to prescribe rules and regulations under and by which licenses may be issued and conducted; providing for the suspension and revocation of licenses and the hearing thereon and providing penalties for the violation of this Act." .....	64, 435.
58	Introduced by Peterson (Sheridan): A Bill for an Act entitled: "An Act to amend Section 4141 of the Revised Codes of Montana of 1935, relating to compensation of abstractors." .....	67, 111, 128, 141, 292, 309, 315.
59	Introduced by Spiegel et al: A Bill for an Act entitled: "An Act to amend Section 2870, Revised Codes of Montana, 1935, relative to the definition of injury; to provide for the payment of compensation for occupational diseases; to allow	

No.	Title of Bill	Page
	claimants under this Act to present X-Ray pictures; supplied by himself at hearings; to amend Section 2933, Revised Codes of Montana, 1935, relative to the employee's settlement of injury."....	67, 196, 247, 256, 257, 260, 309, 322, 326, 329, 335, 401.
60	Introduced by Judiciary Committee: A Bill for an Act entitled: "An Act authorizing the State Board of Examiners to permit the employment of all necessary clerical and executive assistants in all elective civil executive state offices, boards, and commissions when the duties of such office, board or commission cannot be performed with the clerical and executive assistants allowed by law: prohibiting such elective civil executive state office, board or commission from exceeding in the aggregate their fiscal year appropriations made by the legislature: and repealing Section 268 of the Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith." .....	67, 70, 79, 90, 99, 103, 211.
61	Introduced by Anderson (Phillips): A Bill for an Act entitled: "An Act to amend Section 2076, Revised Codes of Montana, 1935, relating to additional tax levy to pay expense of enforcing stock laws; Section 2083 relating to signers of petition—time for presenting—limitation on bounties—bounty inspectors; and Section 2085 relating to presentation of skins—affidavit.".....	67, 145.
62	Introduced by Haugan: A Bill for an Act entitled: "An Act to amend Section 1760, Revised Codes of Montana, 1935, relating to the registration fees—disposal of proceeds—fee for half year—dealers' registration and transfer thereof—public owned vehicles exempt from fees.".....	67, 75.
63	Introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to amend Section 5653 of the Revised Codes of Montana of 1935, relating to preference of soldiers and sailors in public employment." .....	67, 83, 100, 112, 119, 121, 169, 174, 175, 308, 324, 327, 401, 424, 445, 512, 536.
64	Introduced by Conner: A Bill for an Act entitled: "An Act to amend Section 4506, Revised Codes of Montana, 1935, relating to noxious weeds and to empower and authorize the Board of Commissioners of Irrigation Districts to spend district funds in controlling perennial noxious weeds and repealing all Acts in conflict herewith.".....	67, 79, 110, 122, 133, 138, 220, 229, 233, 315, 316, 327, 360, 361, 512.



No.	Title of Bill	Page
65	Introduced by Judiciary Committee: A Bill for an Act entitled: "An Act authorizing, with the approval of the Governor, the appointment and removal of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers, and executive attaches of all civil executive state offices, boards, commissions, bureaus, departments, or authorities of any kind appointed by the Governor, and not otherwise provided for by law: Prohibiting such civil executive state offices, boards, commissions and bureaus, departments and authorities of any kind appointed by the Governor from exceeding in the aggregate their fiscal year appropriation made by the Legislature: and repealing Sections 273 and 275, Revised Codes of Montana, 1935, and all other Acts or parts of Acts in conflict herewith." .....	67, 70, 79, 90, 99, 103, 104, 145, 154, 155, 232.
66	Introduced by Toomey, by request: A Bill for an Act entitled: "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public bodies." .....	68, 70, 79, 85, 92, 94, 145, 154, 155, 232.
67	Introduced by Monahan et al: A Bill for an Act entitled: "An Act amending Section 3084 of the Revised Codes of Montana, 1935, relating to payment of wages of employees and relating to coercion of employees to make purchases." .....	68, 130, 161, 178, 196, 205, 309.
68	Introduced by Daly: A Bill for an Act entitled: "An Act providing for the registration of private contracts, and defining the term "private contractors"; providing the method of obtaining a license to engage in the business of private contracting in the State of Montana; fixing the fee for such licenses and providing for the method of suspension, cancellation, and reinstatement thereof; and prescribing penalties for the violation of this Act." .....	68, 398.
69	Introduced by Lemmer: A Bill for an Act entitled: "An Act to amend Section 3685 of the Revised Codes of Montana, 1935, fixing fishing and hunting license fees, powers under licenses, tagging of game carcasses, reports of killing of elk and deer, and repealing all Acts and parts of Acts in conflict herewith." .....	70, 123, 168, 185, 198, 217, 232, 240, 540.

No.	Title of Bill	Page
70	Introduced by Cusick et al: A Bill for an Act entitled: "An Act to protect trade mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade mark, brand or name, through the use of voluntary contracts establishing minimum resale prices and providing for refusal to sell unless such minimum resale prices are observed." .....	70, 118, 153, 161, 166, 168, 176, 343, 360, 361, 512.
71	Introduced by Mackie et al: A Bill for an Act entitled: "An Act to amend Section 1622.2 of the Revised Codes of the State of Montana, 1935, relating to road supervisors abolished; and county surveyors and their salaries, of counties having a total registered vote of from seven thousand (7,000) to ten thousand (10,000)." .....	73, 115.
72	Introduced by McLeod et al: A Bill for an Act entitled: "An Act to amend Section 3071 of the Revised Codes of Montana, 1935, relating to hours of labor for underground miners." .....	73, 118, 153, 161, 166.
73	Introduced by Measure: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana amendments to Sections 1-2-3-4-5-6-7-8-9-10-11-12-13-14-16-19-21-24-27-28-32-40-41-45, of Article V, of the Constitution of Montana, relating to the Legislative authority of the State of Montana, and providing that beginning with the regular session of Legislature in 1941, the Legislative authority of the State of Montana shall be vested in a Legislature consisting of one house of not more than eighty members, but with at least one member from each and every county, and providing for the election of said members of the Legislature, their term of office, salaries, powers, duties and the sessions of said Legislature: and, providing further, that all provisions in the Constitution and Laws of the state relating to the Legislature, Senate, House of Representatives and Joint Sessions thereof, to mean, insofar as applicable, said Legislature of one House; and, providing for the repeal of Sections 3-4-5 and 6 of Article Six of the Constitution of the State of Montana and providing for the repeal of all Acts or parts of Acts and Constitutional provisions in conflict herewith." .....	73, 162, 163, 196, 208.
74	Introduced by Committee on State Institutions, Public Buildings and Grounds, Shanley, Chairman: A Bill for an Act entitled: "An Act providing for the establishing and operation of a school for the blind and deaf in the new building erected for that purpose at Great Falls, Montana;	

No.	Title of Bill	Page
	and providing for the discontinuance of the present school for the blind and deaf, and providing additional housing and educational facilities for Montana State Training School at the present institution at Boulder, Montana." .....	75, 79, 100, 112, 119, 122, 360, 384, 385, 512.
75	Introduced by Hoiness et al: A Bill for an Act entitled: "An Act relating to motor vehicles, trailers and semi-trailers, the ownership thereof and other interests therein: Providing for the registration thereof and the issuance of certificate of title and certificate of registration; providing for the assignment and distribution of license plates; providing for the licensing of persons in the business of dealing in motor vehicles and accessories; providing for the distribution of registration fees; providing for the time of assessment and assessment and levy of taxes on motor vehicles and collection of taxes thereon, and distribution of the same, and to harmonize such provisions with existing law relating to assessment of personal property: Providing for the filing of mortgages and conditional sales contracts and the filing of releases therefrom; providing for the enforcement of this Act, and providing penalties for the violation thereof; and to amend Sections 1759, 1759.4, 1759.2, 1759.3, 1758, 1758.2, Subdivisions A and D, Section 1758.3, Subdivision E, Section 1758.4 and Section 2002, Revised Codes of Montana, 1935, and repealing Section 1755.4 and Section 1755.5 of the Revised Codes of Montana, 1935, (originally Section 2, Chapter 171, Laws of the Twenty-first Legislative Assembly of Montana, 1929, erroneously numbered Section 1755.5, Revised Codes of Montana, 1935)." .....	75, 88, 115, 126, 142, 143, 154, 171, 445, 488, 490, 546, 597.
76	Introduced by Dougherty: A Bill for an Act entitled: "An Act to amend Section 10307 of the Revised Codes of Montana, 1935, relating to the order in which debts are to be paid against estates of deceased persons." .....	76, 162.
77	Introduced by Employment Committee: A Bill for an Act entitled: "An Act to amend Section 63 of the Revised Codes of Montana, 1935, relating to the number, designation, election and appointment of officers and employees of the House of Representatives." .....	76, 133, 150, 153, 181, 200, 204, 226, 360, 384, 385, 512.
78	Introduced by Smith et al: A Bill for an Act entitled: "An Act to amend Section 5766 of the Revised Codes of Montana, 1935, relating to the	

No.	Title of Bill	Page
	period of residence required to entitle plaintiff to divorce." .....	76, 101, 115, 127, 128, 131, 251.
79	Introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act amending Section 10400.1 of the Revised Codes of Montana of 1935, relating to Tax on direct and collateral inheritances, bequests and devises and on transfers of property; and defining clear market value." .....	80, 119, 153, 161, 166, 168, 176, 529.
80	Introduced by Phelan: A Bill for an Act entitled: "An Act to amend Section 2296 Montana Revised Codes of 1935; relating to corporation license Tax organizations exempt from, and repealing all Acts and parts of Acts in conflict herewith." .....	80, 219, 359, 389, 397, 406, 441, 452, 579, 580, 624, 642.
81	Introduced by the Committee on State Lands, by request: A Bill for an Act entitled: "An Act authorizing and directing the State Treasurer to transfer the sum of fourteen thousand three hundred twelve dollars and eighty seven cents (\$14,312.87) from the State Public School General Fund to the Public School interest and income fund, constituting funds inadvertently and unconstitutionally appropriated and diverted from the Public School interest and income fund." .....	80, 87, 100, 112, 119, 121, 211, 228, 229, 264.
82	Introduced by Eggenberger: A Bill for an Act entitled: "An Act relating to the production and sale of dairy products, amending Sections 2620.4, 2620.20, 2620.34 and 2620.49, Revised Codes of Montana 1935, defining Dairy Products, making it unlawful to manufacture, sell or offer for sale butter or other dairy products containing a less quantity of butterfat or other ingredient than herein required, location and construction of Creameries, Cheese Factories, Ice Cream Factories and Ice Cream Mix Factories, requiring the name of wholesaler or Manufacturer on butter packages or cartons, and defining pasteurization; and adding three new sections to the Revised Codes of 1935 to be designated respectively as Sections 2620.70, 2620.71 and 2620.72, prescribing regulations governing the manufacture and sale of butter, for wholesale Butter and Cheese Dealers' license, and for condemnation of unfit milk and cream containers; and repealing all Laws in conflict herewith." .....	80, 115, 133, 147, 196, 206, 401, 432, 443, 468, 549.
83	Introduced by Metcalf: A Bill for an Act entitled: "An Act to amend Section 9078 of Revised Codes	



No.	Title of Bill	Page
	of Montana, 1935, and to create subsection 2 of Section 9078, relating to whom may be made Party Defendants." .....	80, 100, 119, 142, 149, 152, 154, 160, 166, 172, 180, 184, 343.
84	Introduced by the Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 5278.1 of the Revised Codes of Montana, 1935, relating to the issuance of bonds by cities and towns; validating proceedings for the issue and sale of bonds by cities and towns commenced or completed in accordance with the provisions of Chapter 399 of the Political Code of the Revised Codes of Montana, 1935, and repealing all Acts and Parts of Acts in conflict herewith." .....	84, 100, 115, 127, 133, 137, 198, 239, 264.
85	Introduced by Scott: A Bill for an Act entitled: "An Act to amend Section 2520 of the Revised Codes of Montana 1935, relating to the registry of Births." .....	84, 169, 196, 217, 232, 240, 326.
86	Introduced by Levissee et al: A Bill for an Act entitled: "An Act to provide for the submission of the Qualified Electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to the qualifications and terms of office of County Officers." .....	84, 330, 375, 397, 411, 420, 421, 426, 428, 637, 651, 652.
87	Introduced by Brayman: A Bill for an Act entitled: "An Act amending Sections 4554, 4556, 4557, 4558, 4560, of the Revised Codes of Montana, 1935, relating to jurisdiction over wrestling, boxing and sparring matches; providing for the issuance of licenses and applications for licenses and providing for a duration of bouts, glove specifications, physical examinations of participants, forfeiture of license for conducting fake bouts; providing penalty for participating in fake bouts and providing for the bond of an applicant for license." .....	88, 111.
88	Introduced by Kruse et al: A Bill for an Act entitled: "An Act to amend Sections 2295.2 and 2295.28 of the Revised Codes of the State of Montana of 1935, relating to the rate of income tax and changing said rate of income tax and the disposition of the revenue therefrom." .....	88, 134, 161, 178, 196, 206, 597, 627, 628, 641, 644, 657, 661, 665, 666, 700.

No.	Title of Bill	Page
89	Introduced by Peterson (Sheridan) et al: A Bill for an Act entitled: "An Act to amend Chapter 122, Session Laws of the Twenty-fourth Session Laws of Montana, 1935, relating to an Emergency Act relating to the granting of relief from mortgage foreclosure and from execution sales of real estate; providing for extending the period of redemption from said mortgage foreclosures and execution sales, and designating the procedure to obtain such relief and the authority of courts in relation thereto; limiting the right to maintain actions for deficiency judgments; extending the expiration of certain periods of redemption, and repealing all Acts and parts of Acts in conflict herewith." .....	88, 110, 124, 142, 145, 166, 180, 183, 384, 432, 433, 488, 490, 516, 637.
90	Introduced by Monahan, by request: A Bill for an Act entitled: "An Act to amend Section 5715 of the Revised Codes of Montana of 1935, relating to the evidence required by the Clerk of the District Court in issuing marriage licenses, and repealing all Acts and parts of Acts in conflict herewith." .....	88, 186.
91	Introduced by Mackie et al: A Bill for an Act entitled: "An Act to preserve the coal resources of the State of Montana from too rapid exhaustion without corresponding benefit to the state and to classify methods of mining coal and to distinguish underground mining of coal from strip mining of coal and open pit mining of coal; and an Act to amend Sections 2316 to 2326, Revised Codes of Montana, 1935, requiring every person, firm, association, joint stock company and corporation, engaged in or carrying on the business of coal mining, or engaged in working or operating any mine or mining property in the State of Montana, from which coal is mined, produced or extracted, to pay to the State Treasurer for engaging in and carrying on such business by any method, certain license taxes for the exclusive use and benefit of the State of Montana; fixing the amount and disposition of such license taxes; prescribing a method for the assessment and collection thereof; and prescribing the penalties for the violations of the provisions of this Act." .....	88, 392, 441, 451, 468, 469, 540.
92	Introduced by Campbell: A Bill for an Act entitled: "An Act to amend Sections 11566.1 and 11566.2 of the Revised Codes of Montana, 1935, relating to the sale of beer to minors; providing the violation therefor shall be a misdemeanor and fixing the penalty therefor." .....	89, 445.
93	Introduced by Hoiness: A Bill for an Act entitled: "An Act to amend Sections 9664 and 9680, Re-	

No.	Title of Bill	Page
	vised Codes of Montana, 1935, relating to judgments by default and judgments (other than default) in Justice Courts." .....	93, 100, 115, 132, 153, 164, 262, 271, 293, 294, 434.
94	Introduced by Hamilton et al: A Bill for an Act entitled: "An Act establishing a retirement system to provide for the retirement upon retirement allowances of public school teachers in the State of Montana; establishing a retirement board for the administration of such system; and fixing the powers and duties thereof; fixing the membership in the retirement system and providing retirement allowances thereunder; establishing certain funds for the administration of said system and providing for the securing of the moneys, income, and revenue for the maintenance of such funds and providing for the appropriation of such funds as are necessary; and providing for the discontinuing of the retirement system established by Sections 1113 to 1132, inclusive, of the Revised Codes of Montana of 1935." .....	93, 117, 202, 263, 329, 363, 398, 405, 597, 600, 622, 636, 639, 661, 665, 666.
95	Introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Section 3696 of the Revised Codes of Montana, 1935, relating to the opening and closing of the Hunting Season on certain areas in Park County." .....	97, 124.
Sub. 95	A Bill for an Act entitled: "An Act to amend Section 3696, of the Revised Codes of Montana, 1935, and repealing Section 3696.4 of the Revised Codes of Montana, 1935, relating to the opening and closing of the hunting season on certain areas in Park County." .....	124, 153, 161, 166, 168, 177, 540.
96	Introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to re-enact Section 4466 of the Revised Codes of Montana, 1935, legalizing and validating sales of real property owned by any County in this State by the Board of County Commissioners thereof, and for the purpose of validating all such sales made by any such County subsequent to the last re-enactment of said Section 4466." .....	97, 174, 196, 217, 232, 241, 327, 360, 361, 512.
97	Introduced by Elliott, by request: A Bill for an Act entitled: "An Act to amend Section 7189.1 of the Revised Codes of Montana of 1935, the same being Section 1 of Chapter 54 of the Laws of 1923, relating to irrigation Districts." .....	97, 110, 124, 142, 147, 153, 159, 211, 228, 229, 264.

No.	Title of Bill	Page
98	Introduced by Brennan: A Bill for an Act entitled: "An Act to amend Section 135 of the Revised Codes of Montana of 1935, as amended by Chapter 22 of the Laws of the Twenty-first Legislative Assembly of 1929, and Sections 303, 384 and 521 of the Revised Codes of Montana of 1935, relating to the distribution of Public Documents and Reports." .....	97, 118, 153, 161, 166, 180, 184, 360, 384, 385, 512.
99	Introduced by Military Affairs Committee: A Bill for an Act entitled: "An Act to provide for the printing of all legislation of the State of Montana, and for the distribution of said printed legislation to all relative to and applicable to War Veterans and their dependents, Veterans and Ex-service Men's organizations within the State of Montana, and appropriate money therefore." .....	97, 98, 130.
100	Introduced by Committee on Livestock and Public Ranges: A Bill for an Act entitled: "An Act creating the Montana Grazing Commission; defining its purpose; defining terms, words and phrases; providing for the membership, the appointment and compensation thereof; defining the powers and prescribing the duties of said Commission; granting said commission the power to sue and be sued; granting certain authority over grazing Districts and the power to hear and determine controversies between grazing districts or grazing Districts and Members or non-Members thereof; providing for the appointment of a State Grazing Administrator and defining his powers and duties; providing for hearings by the Administrator or any Member of the Commission delegated to hold the same and for appeal to the Montana Commission from the decision and orders thereon; authorizing the imposition of fees by grazing Districts to defray expenses of the Commission as provided in this Act; creating a fund to be known as the State Grazing Fund; granting the Commission the right to come under the provisions of the Budget Act; providing for the creation and the incorporation of cooperative Grazing Districts and defining their powers and duties; and defining who may become Members thereof; and the rights and privileges of Members; to authorize such Districts to purchase livestock supplies, to lease, purchase or otherwise acquire the possession of land for grazing purposes, conservation, restoration and improvement of forage resources; prescribing the by-laws of such Districts; granting to the Montana Grazing commission supervisory authority over grazing Districts; providing for cooperation of and with governmental departments or agencies; defining the manner of distributing grazing preferences and the revocation thereof; providing for the liquidation of the assets of a District upon its	



No.	Title of Bill	Page
	dissolution and providing the compensation to a District for range improvements by subsequent Lessees or Owners of land; providing for the use of lands lying within the exterior boundaries of a District controlled by a non-Member; to grant the Commission authority to prepare and approve Rules and Regulations for the purpose of carrying out the provisions of this Act; to define the terms trespass and legal fence as relates to grazing Districts and provide penalties for the violation thereof; and repealing Section 7364.7 to 7364.29 inclusive, of the Revised Codes of Montana, 1935, and providing for Associations incorporated under previous Acts to comply with the provisions of this Act; providing an appropriation for the carrying out of this Act." .....	97, 117, 124, 174, 178, 185, 231, 261, 323, 529, 538, 552, 581.
101	Introduced by Lasby: A Bill for an Act entitled: "An Act declaring vacant all offices the tenure and term of which are not fixed by the Constitution and which offices are held by reason of appointment from any Governor, past or present, of the State of Motnana; and providing for the appointment of all Officers to such offices as are delared vacant by this Act, and relating to the tenure and term of all Offices the tenure and term of which are not fixed by the Constitution and who hold office under an appointment from the Governor; and repealing all Acts and parts of Acts in conflict herewith." .....	98, 162.
102	Introduced by Conner et al: A Bill for an Act entitled: "An Act to provide a license tax on all persons, associations or Corporations owning or operating a telephone business in this State." .....	98, 161, 186, 243, 256, 259, 269, 579, 580, 586, 621, 652, 660, 665, 666.
103	Introduced by Lovell et al, by request: A Bill for an Act entitled: "An Act to amend Section 2396.4 Revised Codes of Montana of 1935, relating to refund of gasoline tax, so that cities and towns shall be entitled to such refund for tax paid on gasoline used by such cities and towns in the performance of their governmental and proprietary functions." .....	98, 376.
104	Introduced by Holecek: A Bill for an Act entitled: "An Act to amend Section 562 of the Revised Codes of Montana 1935, providing for the cancellation of registry for failure to vote and re-registration and providing further that registry be cancelled for voting by absent voters ballot, the manner of or re-registration thereafter, and requiring County Clerks to cancel registration of	

No.	Title of Bill	Page
	voters who voted by absent voters ballot at the General Election held November 3, 1936." .....	101, 259, 286, 324, 337, 347, 479, 558, 559.
105	Introduced by Lambert: A Bill for an Act entitled: "An Act to provide for the submission to the qualified Electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana removing the County Superintendent of Schools from the list of County Officers which are to be elected in each County." .....	102, 251.
106	Introduced by Lambert: A Bill for an Act entitled: "An Act to submit to the qualified Electors of the State of Montana an amendment to Sections 1 and 2 of Article VII of the Constitution of the State of Montana changing the date on which the term of office of the Superintendent of Public Instruction shall commence from the first Monday in January to the first Monday in July and providing that the Legislative Assembly shall determine the manner of selecting the Superintendent of Public Instruction." .....	102, 251.
107	Introduced by Padbury: A Bill for an Act entitled: "An Act creating the Office of State Comptroller, providing for his salary, salaries of Assistants, and defining his powers and duties; and repealing all Acts in conflict herewith." .....	102, 393.
Sub. 107	A Bill for an Act entitled: "An Act providing for the establishment and maintenance and operation of a central accounting department and centralized accounting system for the State of Montana and all its Officers, Departments, Bureaus, Institutions, Boards, Commissions and Agencies: Providing for appointment of a State Comptroller as head of such centralized accounting department in connection with the establishment, maintenance and operation of such department and system.".....	393, 414, 441, 456, 463, 466, 588.
108	Introduced by Burns et al: A Bill for an Act entitled: "An Act to amend Section 2634 of the Revised Codes entitled: An Act to promote the development of the Montana egg industry; to prohibit the sale of eggs unfit for human food; to prevent deception in the sale of eggs; and to encourage greater consumption thereof, by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this Act and repealing all Acts and parts of Acts in conflict herewith.".....	107, 129, 168, 185.
109	Introduced by Burns et al: A Bill for an Act entitled: "An Act to amend Section 3000 of the Revised Codes of Montana, 1935, relating to the	

No.	Title of Bill	Page
	investment of reserve funds in certain securities, the payment of installments and other disposition of reserve funds by the Industrial Accident Board and repealing all Acts and parts of Acts in conflict herewith." .....	107, 129, 153, 161, 166, 174, 177, 220.
110	Introduced by Committee on Public Morals: A Bill for an Act entitled: "A Bill for an Act prohibiting premises where beer is sold to be open during certain hours, providing that violations thereof shall be a misdemeanor and fixing the penalty thereof." .....	107, 445.
111	Introduced by Schneider et al: A Bill for an Act entitled: "An Act to regulate the nomination and election of Superintendent of Public Instruction and all County Superintendents of Schools of the State of Montana; abolishing certain existing methods in such cases and the use of party or political designations at elections to such offices; imposing certain duties upon the Secretary of State and county officers having charge of election affairs and judges and clerks of election, and adapting the provisions of the laws as they now exist to the non-partisan election of such offices." .....	107, 150, 290, 336, 338, 350, 356, 425, 437, 579, 580, 586, 621, 630, 658.
112	Introduced by Committee on Corporations other than Municipal: A Bill for an Act entitled: "An Act to amend Section 6651, Revised Codes of Montana, 1935, relating to the requirements of foreign corporations to do business within this state." .....	108, 134, 168, 185, 204, 206, 327, 360, 361, 384.
113	Introduced by Trandum, by request: An Act relating to every agent, firm or corporation acting as an agent, solicitor or representative of a life insurance corporation or association, providing for the issuing of license by the Commissioner of Insurance; defining the qualifications of agent, solicitor, or representative to whom a license has been issued, and providing for the examination of applicants for license by the commissioner, prescribing the fee to be paid by the applicant for a license before taking the examination or engaging in business, providing for the annual license fee, prescribing the duties and powers of the Commissioner of Insurance regarding the issuing, revoking or cancelling of license of any agent, granting right of appeal from the decision of the Commissioner of Insurance, and fixing penalties in connection therewith, and specifically exempting fraternal associations or secret so-	

No.	Title of Bill	Page
	<p> cieties who insure lives of their members only,  and repealing all Acts in conflict herewith..... </p>	<p> 108, 190, 231, 243,  293, 300, 425, 434,  445. </p>
114	<p> Introduced by Committee on Affairs of Cities: A  Bill for an Act entitled: "An Act to amend Sec-  tion 5221 of the Revised Codes of Montana of  1935 relating to the powers of City or Town clerk  and the City or Town Treasurer in collecting an  annual road poll tax." ..... </p>	<p> 111, 118, 133, 147,  153, 158, 327, 360,  361, 512. </p>
115	<p> Introduced by Committee on Affairs of Cities: A  Bill for an Act entitled: "An Act to amend Sec-  tion 5039.61 of the Revised Codes of Montana of  1935 relating to the powers of City or Town  Councils to transfer or lease municipal prop-  erty." ..... </p>	<p> 112, 118, 133, 147,  153, 159, 264, 293,  294, 434. </p>
116	<p> Introduced by Sorte et al: A Bill for an Act en-  titled: "An Act declaring certain lands forming  part of the abandoned river bed of any navigable  streams or lakes in this state and certain islands  in such streams or lakes property of the State of  Montana to be held in trust for the benefit of the  public schools of the state; providing for the  leasing and sale of such lands and the disposition  of proceeds therefrom; providing for the survey  of such lands; approving and confirming any  action heretofore taken concerning the lease and  sale of such lands and disposing of the proceeds  thereof and repealing all Acts and parts of Acts  in conflict herewith." ..... </p>	<p> 112, 129, 161, 178,  186, 193, 264, 293,  294, 434. </p>
117	<p> Introduced by Lemmer: A Bill for an Act entitled:  "An Act relating to the acquisition by the United  States of lands and waters within the State of  Montana for the purpose of creating, developing  and maintaining refuges for migratory water-  fowl." ..... </p>	<p> 112, 259, 329, 333,  338, 343. </p>
118	<p> Introduced by Anderson et al, by request: A Bill  for an Act entitled: "An Act amending Section  10726 of the Revised Codes of Montana of 1935,  relating to the act and intent or negligence, with  which a crime is committed." ..... </p>	<p> 112, 119. </p>
119	<p> Introduced by Committee on Affairs of Cities: A  Bill for an Act entitled: "An Act to amend Sec-  tion 5194 of the Revised Codes of Montana for  1935 relating to the limitation on amount of tax  to be levied by cities and towns for municipal  purposes and to the amount of tax that may be </p>	

No.	Title of Bill	Page
	assessed and levied by cities and towns for the purpose of maintaining public parks in addition to the levy for general municipal or administrative purposes." .....	112, 118, 133, 147, 153, 159, 327, 335, 345, 361, 512.
120	Introduced by Alvord: A Bill for an Act entitled: "An Act to amend Section 215 of the Revised Codes of Montana of 1935, relating to the duties of the State Examiner in the examination of the accounts of Cities, Towns and School Districts of the First and Second Class, and providing a fee for such examination." .....	116, 196, 236, 237, 352.
Sub. 120	An Act to amend Section 215 of the Revised Codes of Montana of 1935, relating to the duties of the State Examiner in the examination of the accounts of cities, towns and school districts of the first and second class, and providing a fee for such examination. ....	352, 391, 423, 436, 448, 559, 568, 578, 622.
121	Introduced by McKenna: A Bill for an Act entitled: "An Act to amend Section 1805.32 of the Revised Codes of Montana of 1935, relating to leasing, assignment, and sub-leasing of State Lands." .....	116, 119, 133, 147, 154, 171, 236, 256, 264.
122	Introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 10057 of the Revised Codes of Montana of 1935, relating to who are incompetent as executors or administrators." .....	116, 119, 153, 161, 376.
123	Introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 10072 of the Revised Codes of Montana of 1935, relating to who are incompetent to act as administrators." .....	116, 119, 153, 161, 376.
124	Introduced by Committee on Corporations other than Municipal: A Bill for an Act entitled: "An Act authorizing the amendment of Articles of Incorporation of any Corporation organized under any of the Laws of the State of Montana, designating the particulars in which such articles of Incorporation may be amended; providing the procedure therefor and for the filing of certificates of such proceedings with the proper Officers." .....	116, 134, 174, 178, 186, 192, 327, 360, 361, 384.
125	Introduced by Haight et al: A Bill for an Act entitled: "An Act to repeal Sections 976, 977 and 978 of Chapter 84 of the Session Laws of the	



No.	Title of Bill	Page
	Twenty-second Legislative Assembly of 1931, relating to the publication of annual financial statements of School Districts." .....	116, 124.
126	Introduced by Wood: A Bill for an Act entitled: "An Act to amend Section 191.2 of Chapter 20, Revised Codes of Montana, 1935, relating to the apportionment of funds received from the Federal Government under provision of the Taylor Grazing Act, and expenditure thereof." .....	116, 141, 161, 178, 185, 192, 246, 248, 290, 311, 320, 401, 434, 529.
127	Introduced by Stortz et al: A Bill for an Act entitled: "An Act to amend Section 3906 Revised Codes of Montana of 1935, by striking out that portion of the third paragraph of said Section providing that all rates fixed by the Commission shall remain in full force and effect until final determination by Courts having jurisdiction, and substituting, for the stricken matter, a provision authorizing the issuance of a restraining order, and providing for the impounding or ear-marking of the difference between the old and new rates, as designated by the Public Service Commission, pending final determination of the Cause." .....	116, 118, 133, 147, 154, 171, 308, 324, 443, 468, 529.
128	Introduced by Toomey: A Bill for an Act entitled: "An Act amending Sections 8883, 8885, 8886, 8887, 8889, 8890, 8893, 8894 and 8895 of the Revised Codes of Montana of 1935 defining Juries and the qualifications of Jurors; making women eligible for Jury service; providing for certain exemptions for Jury service; and repealing all Acts and Parts of Acts in conflict herewith." .....	120, 128, 168, 200, 204, 226, 326.
129	Introduced by Cusick et al: A Bill for an Act entitled: "An Act requiring the lighting of booms, rafts, and piling on any navigable lakes or streams and providing penalties for the violation thereof." .....	120, 187, 211, 229.
130	Introduced by Mitchell: A Bill for an Act entitled: "An Act to amend Section 3043.1 of the Revised Codes of Montana, 1935, relating to preference of Montana Labor in public works—wage scale—not in conflict with Federal Statutes." .....	120, 130, 161, 178, 186, 193, 236.
131	Introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to repeal Section 2090.1 of the Revised Codes of Montana of 1935, relating to the assessment of royalty in kind." .....	120, 145, 181, 200, 207, 211, 228, 327, 336, 361, 512.

No.	Title of Bill	Page
132	Introduced by Brennan: A Bill for an Act entitled: "An Act requiring the State of Montana and each subdivision thereof to insure all buildings and personal property owned by the State or subdivision thereof against fire hazard and permitting the insurance of said property against other hazards and exempting Counties and School Districts where insurable value is less than five thousand dollars; requiring Cities and Towns which insure property to purchase insurance under the provisions of the Act; providing for giving of notice and calling for sealed proposals; providing for the preparation or specifications and the information to be enumerated therein; providing for the length of time contracts of insurance shall be let and the method of replacing existing insurance policies; providing the effective date of the Act and prohibiting the renewal, alteration or extension of existing policies for a period of two months prior to the date thereof; providing penalties for the violation of the Act and repealing all Acts and Parts of Acts in conflict herewith." .....	120, 189, 236, 237, 261, 293, 300, 621.
133	Introduced by Stromnes, by request: A Bill for an Act entitled: "An Act relating to the business of painting; providing for the public welfare and health by licensing certain persons engaged in the business of painting; establishing a system of examination for Master and Contracting Painters and for Journeyman Painters; fixing the fees to be charged for license, and the disposition of the fund thus created; providing for the revocation of licenses and review thereof; and providing penalties for the violation of the provision of this Act." .....	120, 258, 307, 329.
134	Introduced by Longenecker: A Bill for an Act entitled: "An Act to amend Section 2153 of the Revised Codes of Montana of 1935, relating to the lien on personal property taxes and defined priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof." .....	125, 204, 236, 261, 293, 305, 343.
135	Introduced by McLeod: A Bill for an Act entitled: "An Act to repeal Sections 5219, 5220, 5221, and 5222 of the Revised Codes of Montana, 1935, relating to levy and collection of road poll-tax in cities and towns." .....	125, 293, 336, 339.
136	Introduced by Padbury et al, by request: A Bill for an Act entitled: "An Act to extend the open season for hunting elk in certain designated portions of Lewis and Clark, and repealing all Acts and parts of Acts in conflict herewith." .....	125, 412.
137	Introduced by Committee on Public Utilities: A Bill for an Act entitled: "An Act providing that	

No.	Title of Bill	Page
	every corporation, both public and private, company, individual, association of individuals, and lessees, trustees or receivers appointed by any court whatsoever, that now or hereafter may own, operate or control any natural gas pipe line or natural gas pipe lines or any part of a natural gas pipe line or natural gas pipe lines within the State, for the delivery or furnishing of natural gas to a public utility or public utilities in the State who in turn either directly or indirectly, mediately or immediately delivers or furnishes such natural gas to or for the public or some portion thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulations of the Public Service Commission of this State and the provisions of this Act and the provisions of Sections 3879-3913, Revised Codes of Montana, 1935, inclusive, and all other laws of this State relating to and giving the said Public Service Commission jurisdiction, control and regulation of public utilities." .....	126, 144, 181, 191, 200, 217, 229, 237, 243, 260, 290, 350, 355.
138	Introduced by Alvord et al: A Bill for an Act entitled: "An Act providing for the creation and establishment of an association to be known as "The State Bar of Montana," to provide for its organization, membership and powers, and repealing Sections 8945, 8946 and 8947, Revised Codes of Montana of 1935." .....	126, 186, 211, 243, 252, 259, 270, 516, 529, 550, 556, 567, 569, 621.
139	Introduced by Daly et al: A Bill for an Act entitled: "An Act to regulate and license the manufacture and sale at retail of any and all alcoholic liquors or beverages in the State of Montana; providing for a license tax to be paid by retail vendors other than the State of Montana, both as respects licenses issued by the state as well as by cities within the state; providing for the apportionment and distribution of license fees, fines and penalties collected under the provisions of this Act; providing for local option in counties of the state and the holding of elections with respect thereto; and declaring the policy of the law in the sale of alcoholic beverages." .....	131, 435.
140	Introduced by Metlen: A Bill for an Act entitled: "An Act amending the Laws of Montana relating to State Lands, providing for the prospecting for and mining of metalliferous minerals and gems in lands owned by the State or reserved in lands sold or leased by the State; empowering the State Board of Land Commissioners to issue prospecting permits and leases for such purposes, and defining the powers of said Board with respect to	

No.	Title of Bill	Page
	lands containing or supposed to contain such metalliferous minerals and gems, and repealing Sections 1805.48, 1805.49, 1805.50 and 1805.51 of the Revised Codes of Montana of 1935, subject to the rights of Permittees and Lessees under permits and leases in good standing at the time of the passage of this Act, and repealing all other Acts and Parts of Acts in conflict with this Act.".....	135, 211, 274, 278, 290, 311, 321, 529, 538, 551, 581.
141	Introduced by Anderson of Phillips: A Bill for an Act entitled: "An Act to establish a central personnel agency to regulate the Civil Service of the State, including the Executive, Legislative and Judicial Branches and to establish the merit system in the employment of personnel in all Departments." .....	136, 203, 263, 278, 290, 324, 326, 366.
142	Introduced by Committee on Education: A Bill for an Act entitled: "An Act to amend Section 1224.6 of the Revised Codes of Montana of 1935, relating to the powers of the Trustees of School Districts to issue refunding bonds." .....	136, 150, 181, 208, 211, 227, 360, 406, 419, 445, 529.
143	Introduced by Haugan: A Bill for an Act entitled: "An Act requiring persons hunting big game animals in this State to wear distinguishing marks and articles of apparel; prescribing in what such distinguishing marks and articles of apparel shall consist; providing that violations of this Act shall be misdemeanors and fixing penalties therefor.".....	136, 143, 196, 217, 232, 241, 445, 488, 489, 516, 637.
144	Introduced by Hedden, by request: A Bill for an Act entitled: "An Act to amend Section 1005 of the Revised Codes of Montana of 1935, relating to the organization of Boards of School Trustees and the appointment of a Clerk, who may be designated as business Manager of the District in Districts of the First or Second Class.".....	136, 150, 181, 200, 204, 226, 401, 432, 435, 540, 559, 570, 622.
145	Introduced by Haugan et al: A Bill for an Act entitled: "An Act to add a new Subsection to Section 884 of the Revised Codes of Montana of 1935, numbered as Subsection 12 and relating to the duties of the Montana State Bureau of Mines and Geology." .....	140, 150, 181, 200, 207, 232, 241, 384, 410, 411, 529.
146	Introduced by Appropriations Committee: A Bill for an Act entitled: "An Act to appropriate	

No.	Title of Bill	Page
	money for the operation, maintenance and other purposes, as designated herein, for certain of the State's Institutions, for the period beginning July 1, 1937 and ending June 30, 1939." .....	140, 145, 186, 200, 211, 227, 597, 600, 622, 639, 643, 662, 665, 666.
147	Introduced by Goodwin: A Bill for an Act, entitled: "An Act permitting any motor Carrier authorized by the Board of Railroad Commissioners of the State of Montana to transport persons and/or property for hire over any public highway in the State of Montana, aggrieved by the cancellation and/or refusal of issuance of motor vehicle liability insurance policy or bond by any insurance or surety Company authorized to do business within the State of Montana, to file complaint with the Commissioner of Insurance of the State of Montana; authorizing the Commissioner of Insurance after notice to the parties and public hearing held to make appropriate finding or findings and enter an order thereon; providing for an appeal to the District Court from the decision of the Commissioner of Insurance and for an appeal to the Supreme Court of the State of Montana from any decree of the District Court or a Judge thereof and authorizing the Commissioner of Insurance to revoke or suspend the license of any Company failing to comply with his said order or decree of Court entered upon appeal from his said order." .....	140, 202.
148	Introduced by Hamilton, et al: A Bill for an Act entitled: "An Act to amend Section 933 Revised Codes of Montana, 1935, relating to the official staff of the Superintendent of Public Instruction, adding thereto a music supervisor, fixing the salary, and defining the duties of such supervisor.".....	143, 264, 329, 333, 338, 350, 356, 550, 557.
149	Introduced by Scofield: A Bill for an Act entitled: "An Act relating to the fixing of seasons and bag limits for the taking of fish and game and fur-bearing animals within the State of Montana, and defining the powers of the State Fish and Game Commission in relation thereto." .....	146, 285.
Sub. 149	A Bill for an Act entitled: "An Act to amend Sections 3696, 3697, 3701, 3703, 3704, 3729.2 and 3729.3 of the Revised Codes of Montana of 1935 relating respectively to open and closed seasons for elk, deer, antelope, game birds, migratory birds and fur-bearing animals and relating to fish in Lake and Flathead Counties and giving the Fish and Game Commission power to fix dates for the opening and closing of certain seasons and to regulate the taking of such animals, birds and fish and providing penalties for violations of the Act and to repeal Sections 3696.1, 3696.2, 3696.3,	



No.	Title of Bill	Page
	3696.4, 3696.5, 3696.6, 3697.1, 3697.2, 3729.1 and 3729.6 of the Revised Codes of Montana of 1935."	285, 336, 338, 347, 382, 402, 404, 566.
150	Introduced by O'Connor: A Bill for an Act entitled: "An Act to prevent unfair competition and to prohibit monopolies in the business of financing the sale of motor vehicles in this state, by declaring unlawful and void certain agreements, contracts or conditions between manufacturers or wholesale distributors, whereby the dealer is required to finance sales of motor vehicles only through a designated finance company or finance agency; and providing penalties and recoveries for the violation of this Act."	146, 204, 250, 272, 294, 319, 516, 546.
151	Introduced by Mitchell et al: A Bill for an Act entitled: "An Act relating to hours of work of members of paid fire departments of cities of the first class, providing a minimum compensation for members of paid fire departments of cities of the first class, providing penalties for a violation thereof, and repealing all Acts or parts of Acts in conflict therewith."	146, 149, 174, 178, 180, 184, 251, 262, 264.
152	Introduced by Lasby: A Bill for an Act entitled: "An Act declaring the policy of the State of Montana as to alcoholic liquor, beer and malt beverages; creating the Montana Liquor Commission, prescribing its powers and duties, and providing for certain licenses to be issued by it; defining certain words and phrases and providing for the regulation, prohibition and licensing of the sale of alcoholic liquor in the State of Montana; providing for the imposition and collection of taxes; providing for the collection of taxes, license and permit fees by the Montana Liquor Commission and providing for the disposition of said fees; providing for the revocation of licenses and for the removal of certain officers and permitting certain suits for damages in connection with the violation of this Act; creating a special fund for the use and disposition of its receipts and providing an appropriation therefor; providing for the filing of bonds; providing penalties for the violation of this Act and parts thereof; repealing all Acts and parts of Acts in conflict with this Act; and repealing from and including Sections 2815.10 to and including Sections 2815.163."	146, 435.
153	Introduced by Committee on Social Security: A Bill for an Act entitled: "An Act providing for the levying of taxes by the several counties for Old Age Assistance; prescribing the method of payment of such Old Age Assistance by the State Old Age Pension Commission; providing for the reimbursement by the several counties to the	

No.	Title of Bill	Page
	State Old Age Pension Commission of payment so made; providing for adequate records and accounts in relation to such payments and their allowance, and repealing Sections 335.24, 335.25, 335.26 and 335.27 of the Revised Codes of Montana of 1935 and all other Acts or parts of Acts in conflict herewith." .....	150, 151, 152, 153, 154, 160, 327, 333, 335, 338, 344, 349, 350, 360, 361, 384.
154	Introduced by Committee on Social Security: A Bill for an Act entitled: "An Act extending to December 31, 1939 the period of the public works emergency relief program authorized by Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of 1933-1934 continued in effect to June 1, 1937, by Chapter 135, Session Laws of 1935 and repealing all Acts in conflict herewith." .....	151, 153, 181, 200, 208, 211, 228, 360.
Sen. Sub. for H.B. 154	Introduced by Committee on Relief and Social Welfare: A Bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political sub-divisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works." .....	479, 513, 547, 567, 569, 584, 594, 595.
155	Introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to repeal Section 17 of Chapter 141 of the Twenty-fourth Legislative Assembly of Montana of 1935 entitled: "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue bonds for financing such undertakings; and providing for the payment of holders thereof," removing the time limit within which municipalities may borrow money or deliver bonds pursuant to said Act." .....	151, 311.
Sub. 155	A Bill for an Act entitled: "An Act to amend Chapter 141 of the Session Laws of the Twenty-fourth Legislative Assembly of the State of Montana of 1935 entitled: 'An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue-producing undertakings by any city and town, however organized; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof', by removing the time	

No.	Title of Bill	Page
	limit within which municipalities may borrow money or deliver bonds, pursuant to said Act.".....	311, 375, 397, 421.
156	Introduced by Schneider et al: A Bill for an Act entitled: "An Act providing uniform transportation services for all public school pupils residing three or more miles from an open public school; defining "transportation" for the purpose of this Act so as to include services furnished in lieu of transportation; providing that School Boards may operate buses and contract for "transportation" of pupils; providing that school boards may close schools and transport pupils to another school and providing that School Boards shall pay for its pupils attending school in another district; providing that no school money shall be expended for "transportation" except to persons or firms holding legal contracts for the same; providing requirements as to buses, drivers, and the operation of buses; fixing a schedule for individual "transportation"; providing that any child attending other than a public school may ride on a public school bus; designating who is eligible to receive "transportation" from school districts; providing for the measurement of transportation distances in dispute and the settlement of transportation matters in controversy; appropriating from the Public School General Fund a sum not to exceed \$12,500 annually to furnish a program of correspondence and home study so as to relieve districts of the necessity of furnishing transportation where the furnishing of such is impractical and amending Section 1200.1 of the Revised Codes of Montana for 1935, so as to provide for such appropriation; amending Section 1200.9 of the Revised Codes of Montana for 1935, relating to the apportioning of moneys in the Public School General Fund so as to provide funds for such program; and repealing Section 1010 of the Revised Codes of Montana for 1935." .....	151, 185, 331, 398, 415.
Sub. 156	Introduced by Schneider et al: A Bill for an Act entitled: "An Act providing uniform transportation services for all public school pupils residing three or more miles from an open public school; defining "transportation" for the purpose of this Act so as to include services furnished in lieu of transportation; providing that school boards may operate busses and contract for "transportation" of pupils; providing that school boards may close schools and transport pupils to another school and providing that school boards shall pay for its pupils attending school in another district; providing that no school money shall be expended for "transportation" except to persons or firms holding legal contracts for the same; providing requirements as to busses, drivers, and the operation of busses; fixing a schedule for individual "transportation"; providing that any child attend-	

No.	Title of Bill	Page
	ing other than a public school may ride on a public school bus; designating who is eligible to receive "transportation" from school districts; providing for the measurement of transportation distances in dispute and the settlement of transportation matters in controversy; appropriating from the public school general fund a sum not to exceed \$12,500 annually to furnish a program of correspondence and home study so as to relieve districts of the necessity of furnishing transportation where the furnishing of such is impractical and amending Section 1200.1 of the Revised Codes of Montana, for 1935, so as to provide for such appropriation; amending Section 1200.9 of the Revised Codes of Montana for 1935, relating to the apportioning of moneys in the public school general fund so as to provide funds for such program; and repealing Section 1010 of the Revised Codes of Montana for 1935.".....	331, 360, 398, 415, 455, 463, 467, 579, 580, 626, 639, 665, 666.
157	Introduced by Johnson: A Bill for an Act entitled: "An Act in relation to arson and the burning of property to defraud an Insurer and to repeal Sections 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345 and 11426 of the Revised Codes of Montana of 1921.".....	156, 220, 250, 272, 294, 318, 579, 592, 637.
158	Introduced by Peterson of Pondera: A Bill for an Act entitled: "An Act to amend Sections 3847.2, 3847.3, 3847.11 and 3847.27 of Chapter 310 of the Revised Codes of Montana 1935, relating to supervision, regulation and control of the use of the Public Highways of the State of Montana by motor vehicles engaged in the transportation by motor vehicles of persons and property upon the Public Highways of Montana, and adding to said Chapter 310 New and additional Sections to be designated and numbered Section 3847.10½ and 3847.29; providing for the licensing of persons and Corporations operating motor vehicles for distributing, delivering and collecting wares, merchandise and commodities sold and to be sold by them; providing an additional license tax upon all motor Carriers subject to the provisions of this Act, and appropriating the moneys collected to be used in the enforcement of the Act; providing for distinctive plate numbers on motor carriers operating motor vehicles under this Act; and repealing all Acts and Parts of Acts in conflict herewith." .....	156, 187, 257, 264, 375, 435, 492.
159	Introduced by Spiegel: A Bill for an Act entitled: "An Act to amend Section 2343.1 and Section	

No.	Title of Bill	Page
	2343.3 of Chapter 210 of the Revised Codes of Montana, 1935, relating to electrical energy Producers' license tax and the distribution of said tax."	156, 312, 350, 364, 377, 387, 559, 568, 569, 621, 641, 662, 665, 666.
160	Introduced by Stimatz: A Bill for an Act entitled: "An Act for the prevention of frauds in connection with the voting franchise, to prevent electors from registering in more than one precinct; to prevent voting on another elector's name; to prevent repetition of voting on election day; that is, to prevent one person from voting more than once; to prevent the stuffing of ballot boxes; to prevent slush funds being raised for the purpose of defrauding the objects and purposes of the honest electors, and providing for the arrest and conviction of any and all persons violating any provision of this Act: to register voters by photographing the elector for the purpose of identification as a bona fide elector and the enacting of Rules and Regulations for the proper administration of this Act; to enact all necessary laws for the purpose of positive identification of the elector on presentation of himself to cast his or her ballots; to modify and amend all of the Acts and Parts of Acts now in force in conformity herewith, and to repeal all of the Laws in conflict herewith, providing that prospective election Judges and Clerks be schooled in their duties before each election, and the manner of selecting election Judges and Clerks to empower county Clerks to settle all complaints of Checkers or Electors as to any irregularities on the part of the Judges and Clerks of Election, and the same then and there to be settled in conformity with the provisions of this Act; providing that the names of all candidates and all initiative, referendum and constitutional amendment measures be placed on one ballot for general elections; and providing that the Judicial Primary Ballot be placed on all Party ballots in Primary Election but set apart under separate heading; authorizing County Clerks summarily to remove and arrest election Judges and Clerks in certain cases and prescribing the manner of conducting such Election Judges' and Clerks' duties thereafter; and to amend Sections 104, 553, 555, 557, 558, 559, 560, 561, 562, 566, 569, 575, 580, 583, 585, 587, 588, 589, 591, 592, 594, 595, 596, 604, 606, 607, 608, 610, 716, 717, 774, 775, 776, 778, 785, 786, 790, 791, 793, 812.6, 812.12 and 10768 of the Revised Codes of Montana 1935; and to repeal Sections 556, 563, 564, 565, 567, 568, 570, 571, 572, 573, 574, 576, 578, 579, 593, 597, 599, 601, 605, 611, 783, 784, 792, 812.7 and 812.8 of the Revised Codes of Montana 1935; providing penalties	



No.	Title of Bill	Page
	for violation of this Act and repealing all Acts or Parts of Acts in conflict herewith.".....	157, 331, 391, 423, 425, 438, 559, 567, 588.
161	Introduced by Monahan et al: A Bill for an Act entitled: "An Act to regulate the caravanning of motor vehicles upon the public Highways of the State of Montana: defining the term "caravanning"; providing for the granting of certificates for motor vehicles in caravans and fixing the fee thereof: defining the duties of the Board of Railroad Commissioners of the State of Montana in regard thereto: providing for the filing of verified statements with the Board of Railroad Commissioners by every Holder of a certificate or certificates issued under the provisions of this Act: providing for the disposition and disbursement of the fees collected under this Act and penalties for violation of this Act.".....	157, 252, 395, 435, 451, 462, 579.
162	Introduced by Committee on Townships and Counties: A Bill for an Act entitled: "An Act to amend Section 4867 of the Revised Codes of Montana of 1935, relating to the salaries of Sheriffs of the Sixth and Seventh Class Counties.".....	157, 168, 186, 217.
163	Introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to provide the several Justices of the Peace with the necessary books, blanks, office quarters and supplies as shall be deemed necessary by the Board of County Commissioners.".....	157, 174, 196, 217, 232, 240, 479, 488, 490, 516, 637.
164	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Chapter 299 of the Revised Codes of Montana, 1935, relating to quartz mining, by adding to said Chapter two new Sections to be known as Section 3433.1 and Section 3433.2; providing for the erection, maintenance and equipment of fire proof wash houses; providing for liability for loss by fire in certain cases; providing a penalty for malicious injury or destruction of said building or its contents, or for failure to provide said building within a reasonable time.".....	163, 190, 211, 243, 259, 269, 343.
165	Introduced by Holecek et al: A Bill for an Act entitled: "An Act to amend Sections 2815.61, 2815.65, 2815.66, 2815.67, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Motnana, and the membership of the Montana Liquor Control	

No.	Title of Bill	Page
	Board and transferring the Administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; defining terms, defining functions, powers and duties of such Board; creating the Office of State Liquor Administration and Assistant State Liquor Administrator and prescribing the salaries, powers and duties of such Officers; defining "nuisance", and providing for the abatement of same, repealing Section 2815.52 of the Revised Codes of Motnana 1935." .....	163, 219, 274, 278, 290, 324, 329.
166	Introduced by Committee on Townships and Counties: A Bill for an Act entitled: "An Act relating to contracts for public printing, fixing the prices therefor, and providing for a penalty for violation of the provisions of this Act: and repealing Section 4482, Revised Codes of Montana, 1935." .....	170, 174, 211, 229, 293, 300, 307, 579, 580, 586, 621, 629, 639, 700, 701.
167	Introduced by Schneider: A Bill for an Act entitled: "An Act to amend Section 950.1 of the Revised Codes of Montana, 1935, relating to the qualifications for the County Superintendent of Schools." .....	170, 273, 307, 329, 350, 357, 550, 556, 557, 588, 596, 632, 662.
168	Introduced by Committee on Appropriations, by unanimous consent without previous notice: A Bill for an Act entitled: "An Act to appropriate money for the operation and maintenance and other purposes as designated herein for the several units of the Greater University of Montana known as the State University, Agricultural College, Experiment Station and Substations, Extension Service, School of Mines, State Normal College, Eastern Montana Normal School and Northern Montana College and for student fare refunds for the period beginning July 1, 1937 and ending June 30, 1939." .....	170, 174, 211, 229, 237, 259, 269, 597, 600, 639, 652, 654, 665, 666.
169	Introduced by Haight et al: A Bill for an Act entitled: "An Act to amend Section 9467 of the Revised Codes of Montana of 1935, relating to proceedings in foreclosure suits, and providing that upon the foreclosure of any real estate mortgage executed after the passage and approval of this Act, no judgment shall be allowed or docketed, nor any execution be issued, against the defendant or defendants, or judgment debtor or	

No.	Title of Bill	Page
	debtors, for any balance after sale of the property covered by any such mortgage, and repealing all Acts and parts of Acts in conflict herewith.".....	170, 275, 329, 333, 338, 344, 347, 348, 512.
170	Introduced by Cusick: A Bill for an Act entitled: "An Act to amend Sections 2639.4, 2639.5, 2639.6, 2639.7, 2639.9, and 2639.11, of Chapter 241 of the Revised Codes of Montana, 1935, and to add to said Chapter a new Section numbered 2639.13, relating to a Milk Control Board, to exercise such supervision and control pursuant to the provisions of this Act; to provide for the manner of selecting the members of said Milk Control Board and fixing their compensation; to prescribe and define the powers and duties thereof; to provide for the enforcement of this Act; to provide penalties for violation of this Act; to provide for licensing and collection of fees and the appropriation of the proceeds thereof for the purposes of this Act, and declaring an emergency." .....	175, 378, 424, 460, 468, 473, 579.
171	Introduced by Anderson (Lincoln), by request: A Bill for an Act entitled: "An Act to amend Section 4465.4, Revised Codes of Montana of 1935, relating to the tax levy for the care of poor and indigent persons." .....	175, 187, 330, 359, 383, 389.
172	Introduced by Anderson (Lincoln), by request: A Bill for an Act entitled: "An Act relating to the floating indebtedness of counties outstanding on June 30, 1937, and providing for the issuance of bonds for the purpose of funding such indebtedness and for the levying of taxes for the payment of such bonds." .....	175, 308.
Sub. 172	A Bill for an Act entitled: "An Act relating to the floating indebtedness of counties outstanding at the close of the fiscal year ending June 30, 1937, and providing for the issuance of bonds to fund indebtedness of the levying of special taxes to pay such floating indebtedness." .....	308, 340, 363, 378, 390, 407.
173	Introduced by Lemmer: A Bill for an Act entitled: "An Act requiring the State Fish and Game Warden, and his Deputies, to examine all mill races, irrigation ditches, pipes, flumes and canals taking or receiving water from any river, creek, stream or lake for the purpose of determining whether such mill race, irrigation ditches, pipes, flumes or canals shall be screened; granting power to order the same to be screened; providing the manner of serving such order and specifying the time allowed for compliance with it; providing that refusal or neglect to comply with such order	

No.	Title of Bill	Page
	shall constitute a misdemeanor and fixing the penalty therefor." .....	175, 332.
174	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to establish a minimum wage commission, and provide for the determination and establishments of minimum wages for women and minors; to declare public policy; to provide for penalties for violation thereof and repealing all Acts in conflict herewith." .....	175, 190, 236, 243, 325, 359, 377, 389, 579.
175	Introduced by Ijams: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana of 1935, relating to registration fees, disposal of proceeds, fee for half year, dealer's registration and transfer thereof, and public owned vehicles exempt from fees." .....	175, 187, 192.
176	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act providing for the greater security for the payment of wages and salaries of employees of persons, associations or persons or corporations engaged in the business of mining and/or reducing and refining for market, metals or minerals including coal, oil, gas and any other metallic or non-metallic deposits in the State of Montana; defining terms used in this Act; providing for the licensing of employers in such business by the Department of Agriculture, Labor and Industry, and empowering said department to enforce the provisions of this Act; providing for deposits by employers to secure the payment of wages and salaries; providing a payroll tax to maintain a fund for the purpose of defraying the expense of administering this Act; providing penalties for violations of the provisions of his Act; providing that the powers of this Act vested in the Department of Agriculture, Labor and Industry and the duties imposed upon said Department shall, in the event of the creation of a Department and/or Commission of Labor, pass to such Department or Commissioner of Labor as the case may be; and making other provisions incidental to the general purpose of this Act and repealing all Acts or parts of Acts in conflict herewith." .....	181, 190, 236, 261, 311, 320, 446.
177	Introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to regulate and control the operation of games of chance; to provide for the licensing thereof by the State Board of Equalization and granting to said Board certain powers therein: Providing for the distribution to the several counties and to the state of the proceeds thereof; establishing a special revenue and Old Age Pension fund; making certain Acts illegal and providing penalties; prohibiting minors from	

No.	Title of Bill	Page
	participating in any of said games and providing penalties therefor; permitting cities and towns to levy a license tax therefor in addition to the state tax herein provided; providing that by a special election any county may prohibit the games of chance in said county; providing that before such games of chance shall be licensed a special election shall be had in such counties and providing for such special election; repealing all Acts or parts of Acts in conflict therewith.".....	182, 399, 441, 449, 468, 471, 579.
178	Introduced by Committee on Aviation: A Bill for an Act entitled: "An Act providing for the enforcement of Laws regulating aeronautics, licenses for aircraft, airmen and air traffic rules by the Highway Patrol; providing for a member of the Highway Patrol to act as Aeronautical Inspector; and providing for investigations and hearings in cases of air accidents.".....	182, 263.
179	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to the proof of records of businesses, professions, occupations, or institutions, and to make uniform the law with reference thereto." .....	182, 246, 263, 284, 293, 302, 307, 384, 410, 411, 529.
180	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to judicial notice of the Statutes of States, Territory, and other jurisdictions of the United States, and all foreign countries, and providing for the methods whereby the court informs itself thereof, and to make uniform the Law in relation thereto.".....	182, 246, 263, 284, 293, 301, 307, 180, 410, 411, 529.
181	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to written reports of findings of fact prepared by experts, and governing the mode of their presentation, right of cross-examination, and to make uniform the law with reference thereto.".....	182, 275, 310, 329, 337, 346, 384.
182	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to official reports of state officers and their admission in evidence and the rights of adverse parties in respect thereto, and to make uniform the Law in relation thereto." .....	182, 291, 336, 355, 366, 372, 529, 540, 541.
183	Introduced by Sorte et al: A Bill for an Act entitled: "An Act providing educational opportunities for the children of soldiers, sailors, and	



No.	Title of Bill	Page
	marines who were killed in action or died during the World War." .....	183, 196, 232, 257, 272, 293, 301, 307, 559, 581.
184	Introduced by D'Ewart: A Bill for an Act entitled: "An Emergency Act relating to a partial reimbursement of counties for expenditures incurred in campaigns against widespread or incipient outbreaks of insect pests: Providing for the declaration of an emergency by the State Entomologist: Providing for the cooperation of counties and the kinds of county expenditures to be considered: And providing for an appropriation of money to carry out the provisions of this Act." .....	183, 342.
185	Introduced by Stortz: A Bill for an Act entitled: "An Act relating to refunding bonds of irrigation districts and defining the character of the obligation created thereby." .....	183, 308, 336, 339, 355, 366, 372, 621.
186	Introduced by Lovell et al: A Bill for an Act entitled: "An Act providing for the regulation of aeronautics within the State of Montana; providing for uniformity with Federal Laws regulating aeronautics and creating the State Aeronautics Commission; providing for the appointment of members thereof; defining the powers and duties of such Commission; and providing for the promulgation and issuance of rules and regulations by such Commission." .....	183, 263.
187	Introduced by Chamberlain et al: A Bill for an Act entitled: "An Act to amend Section 2169.2 of the Revised Codes of Montana 1935, relating to the time for payment and method of collecting taxes and the interest and penalty thereon." .....	198, 315, 336.
188	Introduced by Brennan: A Bill for an Act entitled: "An Act to regulate and to license solicitors of wearing apparel for dyeing, cleaning or laundering to be so dyed, cleaned or laundered in Institutions outside the State of Montana and to provide penalties for the violation of any of the terms of this Act." .....	198, 245, 350, 364, 391, 417, 550, 556, 564, 581.
189	Introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act to amend Section 2952 of the Revised Codes of Montana of 1935, relating to Workmen's Compensation." .....	198, 204, 236, 261, 263, 271, 445, 488, 489, 516, 536.
190	Introduced by Anderson of Phillips, by request: A Bill for an Act entitled: "An Act to require the Montana Liquor Control Board to increase the	

No.	Title of Bill	Page
	retail sale price of liquors sold under control of said Board and to provide that the proceeds therefrom be allocated to the General School Fund of the State and that the tax levy of the several School Districts for school purposes be limited to not exceed a levy of three mills.".....	199, 231.
191	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act authorizing a Court or Judge to reduce the penalty of a bond previously given by an Executor or Administrator and providing for the filing of a new bond.".....	199, 412.
192	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to the bond of Guardianship and providing the manner in which letters of Guardianship may issue without bond."	199, 274, 307, 335, 350, 358, 445, 512, 637.
193	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 10204 of the Revised Codes of Montana 1935, relating to the sale of personal property in Probate Proceedings." .....	199, 274, 329, 333, 338, 359, 361, 445, 512, 637.
194	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 10089 and 10096 of the Revised Codes of Montana 1935, relating to the bonds of Executors and Administrators, when such bonds shall be required and when such bonds may not be required.".....	199, 275, 307, 355, 366, 372, 516, 526, 534, 546.
195	Introduced by McKenna: A Bill for an Act entitled: "An Act providing for surrender of books, records, supplies, unfinished business, estates and property by Public Administrator upon expiration or termination of office, and allowing compensation for services partially performed." .....	199, 202, 236, 261, 263, 271, 384.
196	Introduced by Joffray: A Bill for an Act entitled: "An Act to regulate, license and authorize the sale of liquor at retail in the State of Montana; authorizing, empowering and directing the Montana Liquor Control Board to issue retail liquor licenses to persons qualified under this Act to sell liquor at retail; defining certain words and terms used in this Act; providing for a license tax and fixing the amount of license fees to be paid for said license; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to Licensees by State Liquor Stores; prohibiting the sale and/or traffic in liquor other than purchased at State Liquor	

No.	Title of Bill	Page
	Stores, and prohibiting the sale of liquor to minors and other designated persons; authorizing the Montana Liquor Control Board to prescribe and promulgate rules and regulations with statutory effect; providing for the suspension and revocation of licenses; providing for hearings by the Board and appeals from decisions thereof; providing for local option in the Counties in the State and holding elections in respect thereto; granting to the Montana Liquor Control Board strict regulation and control of licenses and licensees and declaring the policy of Law in the sale of liquor; Providing for allocation of revenue derived from licenses; declaring this Act to be an emergency measure; and providing penalties for the violation of this Act." .....	199, 379, 412, 444, 461, 462, 579, 580, 586, 621, 647, 649, 652, 665, 666.
197	Introduced by Elliott et al: A Bill for an Act entitled: "An Act creating the Montana State Forest and Conservation Experiment Station and providing for tis organization; defining its duty and authority, and generally relating to its organization, functions, management and duties." .....	199, 375, 424, 456, 463, 467, 621, 662.
198	Introduced by Alvord et al: A Bill for an Act entitled: "An Act to create and establish a "University of Montana Students' Loan Fund", regulating the care and investment thereof and providing for loans to Students." .....	200, 257, 307, 324, 337, 347, 540.
199	Introduced by Metcalf et al: A Bill for an Act entitled: "An Act levying a license tax upon all Corporations, Associations, or persons engaged in the business of severing gas from the soil; and prescribing the method of collecting the license tax; requiring all those engaged in the severance of such gas to make quarterly reports of their business; defining the word "Person" under this Act; allowing the tax provided for under Chapter 218 of the Revised Codes of Montana, 1935, to apply on the tax under this Act; providing penalties and to prescribe for the disposition of the funds so collected." .....	200, 395, 435, 451, 468, 470, 554.
200	Introduced by Lambert: A Bill for an Act entitled: "An Act providing for persons entering into a written contract with a public school or an institution of higher learning supported by public funds to subscribe to the oath contained in Section 1 of Article XIX of the Constitution of Montana and providing that such oath be printed or written on such contract; and providing for the repeal of Section 1327.1 and 1327.2 of the Revised Codes of Montana of 1935" .....	205, 219, 236, 261.

No.	Title of Bill	Page
201	Introduced by Shanley: A Bill for an Act entitled: "An Act to appropriate money for the purpose of purchasing equipment and furnishings and installing same at the School for Deaf and Blind at Great Falls and for moving expenses and for building a field house." .....	205, 314, 350, 363, 378, 403, 597, 600, 627, 658.
202	Introduced by Nelson, by request: A Bill for an Act entitled: "An Act to amend Section 3633.4, Revised Codes of Montana, 1935, relating to grades of potatoes and adding a new subdivision thereto, to be letter (F)." .....	212, 277, 329, 333, 338, 359, 362, 540, 566, 588.
203	Introduced by Metlen: A Bill for an Act entitled: "An Act amending Section 4753, Revised Codes of Montana, 1935, providing for the registration of county warrants and interest thereon." .....	212, 231, 263, 284, 293, 305, 307, 309, 446.
204	Introduced by Peterson (Sheridan): A Bill for an Act entitled: "An Act to amend Section 2381.20 of the Revised Codes of Montana, 1935, relating to gasoline exempted from payment of the gasoline tax." .....	212, 236, 263, 278, 290, 311, 320, 343.
205	Introduced by Committee on Judiciary, by request: "A Bill for an Act to amend Section 10279 of the Revised Codes of Montana of 1935 relating to the curing of defects in sales of lands and personal property by executors, administrators and guardians." .....	212, 352, 384, 423, 425, 441, 516.
206	Introduced by Committee on Judiciary, by request: "A Bill for an Act to amend Section 10204 of the Revised Codes of Montana of 1935 providing the manner of sale of personal property in probate proceedings." .....	212, 274.
207	Introduced by Committee on Judiciary, by request: "A Bill for an Act amending Section 10376 of the Revised Codes of Montana of 1935 relating to the powers of Clerks of the District Courts to issue notices, orders, and hold hearings in probate and guardianship matters and providing for the modification or setting aside of any notices or orders so made." .....	212, 246, 263, 278, 290, 294, 319, 579.
208	Introduced by Brayman et al: A Bill for an Act entitled: "An Act to amend Section 4536 of the Revised Codes of Montana of 1935, relating to the burial of deceased soldiers, sailors and marines by providing that payment by the county shall	

No.	Title of Bill	Page
	apply to all veterans regardless of financial status." .....	212, 251.
209	Introduced by Committee on Insurance: A Bill for an Act entitled: "An Act providing for the countersigning by resident agents of insurance companies doing business in this state, of all policies, bonds, duplicate policies or contracts of insurance or indemnity of any kind or character, or any general floating or group policies upon persons, property or against any insurable risk, located within the State of Montana, excepting herefrom rolling stock of railroad corporations and other common carriers and property in transit, and excepting also herefrom mutual associations organized upon the assessment plan, fraternal benefit associating rural mutual associations, and so-called 'assessment life insurance companies'; providing a penalty for violation, and repealing Section 6164, Revised Codes of Montana of 1935, and all Acts and parts of Acts in conflict herewith." .....	212, 219, 232, 275, 359, 383, 398, 410, 579, 580, 625, 700, 701.
210	Introduced by Minette: A Bill for an Act entitled: "An Act directing the Superintendent of Public Instruction to make a health study of children enrolled in the public schools and a study of the educational facilities for handicapped and exceptional children; providing for the appointment of two specialists to assist in making such study; providing for the preparation of an educational program pursuant to the findings of such study; providing that the Superintendent of Public Instruction shall make regulations for the successful operation of this Act; and appropriating \$10,000 annually from the Public General Fund for the payment of salaries of such specialists and other expenses necessarily incurred in making such study and amending Sections 1200.1 and 1200.9 of the Revised Codes of Montana, for 1935, so as to conform thereto." .....	212, 258, 276, 375, 397, 451, 454, 621.
211	Introduced by Minette: A Bill for an Act entitled: "An Act relating to the licensing of persons operating motor vehicles on the highways of the state; defining the term motor vehicles and all other terms and words used in this Act: Providing for the issuance of drivers' licenses, who shall be exempt therefrom and persons to whom licenses shall not be issued and placing restrictions on drivers of certain vehicles and the issuance of temporary licenses; prescribing forms of applications for licenses, the form and duration of licenses, the exhibition thereof and the fees to be charged therefor; providing for an examination of applicants and records to be kept; providing for cancellation, suspension, revocation and/or	



No.	Title of Bill	Page
	surrender of licenses, and for appeals to the court from a denial of license or from the cancellation, suspension revocation thereof; prohibit driving vehicles while license is suspended or revoked; providing penalties for the violation of this Act and repealing Section 1741.11 of the Revised Codes of Montana, 1935 and all Acts and parts of Acts in conflict herewith."	213, 291, 292.
Sub. 211	Introduced by Highways Committee: A Bill for an Act entitled: "An Act relating to the licensing of persons operating motor vehicles on the highways of the state; defining the term motor vehicles and all other terms and words used in this Act; providing for the issuance of drivers' licenses, who shall be exempt therefrom and persons to whom licenses shall not be issued and placing restrictions on drivers of certain vehicles and the issuance of temporary licenses; prescribing forms of applications for licenses, the form and duration of licenses, the exhibition thereof and the fees to be charged therefore: providing for an examination of applicants and records to be kept; providing for cancellation, suspension, revocation and/or surrender of licenses, and for appeals to the court from a denial of license or from the cancellation, suspension, revocation, thereof: prohibit driving vehicles while license is suspended or revoked: providing penalties for the violation of this Act and repealing Section 1741.11 of the Revised Codes of Montana 1935, and all Acts and parts of Acts in conflict herewith."	292, 375, 389, 436, 441, 452, 554.
212	Introduced by Anderson (Phillips): A Bill for an Act entitled: "An Act designating speed restrictions on the highways of the State of Montana."	213, 376, 424, 460, 468, 472, 580, 586, 621, 652, 659, 660, 665, 666.
213	Introduced by Hamilton: A Bill for an Act entitled: "An Act to amend Section 2505 of the Revised Codes of Montana of 1935 relating to the employment of school nurses and providing therein: For the employment of school physicians; requiring a physical examination of each child enrolled in the public schools except as hereinafter provided; providing that a child suffering from a contagious disease may be sent home from school; and providing that School Boards and County Commissioners shall furnish treatment to cure defective school children whose parents are unable to do so."	213, 286, 350, 364, 378, 403, 540.
214	Introduced by Longenecker, by request: "An Act relating to the letting of contracts for public works, and providing for the purchasing of materials and supplies in Montana to be used in	

No.	Title of Bill	Page
	public works and providing for the giving of a differential of five per cent to persons, corporations or concerns who manufacture, produce or sell such materials and supplies in the State of Montana." .....	213, 231, 248, 250, 463, 464, 469, 477, 540, 557.
215	Introduced by Stortz et al: A Bill for an Act entitled: "An Act providing for the recall of elective public officers in the State of Montana; relating to the cause for such recall; providing for the percentages necessary on the petition of recall; relating to the formation and filing of charges; relating to the ballot synopsis of charges, the form of petition, the certificate of precinct officers, the size of petition, the checking of petition, the names necessary, the contributions and expenditures, the canvassing of the petition; relating to the conduct of elections, publishing of results declaring the office vacant, jurisdiction of the courts to compel performance of Act; relating to illegal signatures and false signing; and relating to corrupt practices and professional recallers." .....	213, 274, 329, 359, 363, 365.
216	Introduced by Hoiness: A Bill for an Act entitled: "An Act amending Section 587 of the Revised Codes of Montana, 1935, relating to the judges of election, appointment; providing for double boards of election judges and relating to their powers and duties." .....	214, 220, 250, 272, 293, 301, 307, 384, 411, 430, 445, 529.
217	Introduced by Padbury, by request: A Bill for an Act entitled: "An Act to amend Section 3722, Revised Codes of Montana, 1935, relating to the protection of beaver and to the issuance of permits for trapping and taking beaver and providing fees therefor: providing for the tagging of skins and the importation and exportation thereof: Providing penalties for the violation of this Act and repealing all Acts and parts of Acts in conflict therewith." .....	214, 277.
218	Introduced by Lippard et al: A Bill for an Act entitled: "An Act relating to the re-issuance of contracts for tax deed lands and providing the conditions upon which such contracts shall be re-issued." .....	214, 251, 352, 384, 395, 411, 415, 431, 579, 663.
219	Introduced by Goodwin, by request: A Bill for an Act entitled: "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities and for the incorporation of such annexed territory in and as a part of such municipalities, and for	

No.	Title of Bill	Page
	government and municipal control of annexed territory." .....	214, 293, 340, 363, 398, 416, 550, 556, 564, 581.
220	Introduced by Bower: A Bill for an Act entitled: "An Act to amend Section 1759.5 of the Revised Codes of Montana, 1935, relating to the use of license plates on motor vehicles, trailers or semi-trailers." .....	223, 259.
221	Introduced by Bower: A Bill for an Act entitled: "An Act amending Section 5736 of the Revised Codes of Montana, 1935, relating to the causes for divorce; and amending Section 5736 of the Revised Codes of Montana, 1935, by adding thereafter a Section to be known as 5736.1 relating to incurable insanity; and repealing all Acts and parts of Acts in conflict herewith." .....	223, 247, 263, 284, 294, 319, 425, 445, 529.
222	Introduced by Mungas et al: A Bill for an Act entitled: "An Act to amend Section 1741.9 of the Revised Codes of the State of Montana of 1935, relating to arrest by Highway Patrolmen and empowering therein patrolmen to stop motor vehicles transporting livestock or livestock products and take possession of the same whenever they have good reason to believe such are stolen." .....	223, 232, 257, 272, 294, 306, 401, 434, 529.
223	Introduced by Whaley: A Bill for an Act entitled: "An Act to repeal Section 2208.1 of the Revised Codes of Montana, 1935, relating to the sale, leasing, exchanging, and for quieting title to lands acquired by any county tax deed." .....	223, 352.
224	Introduced by Whaley: A Bill for an Act entitled: "An Act to amend Section 2235 of the Revised Codes of Montana, 1935, relating to the sale of unredeemed property by County Commissioners." .....	223, 352.
225	Introduced by Cusick: A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana an amendment to Section Six (6) of Article Five (5) of the Constitution of the State of Montana relating to the time the Legislative Assembly shall meet." .....	232, 330, 375, 397, 406, 411, 421,
226	Introduced by Committee on Social Security: A Bill for an Act entitled: "The Public Welfare Act, relating to the general welfare and social security of the people of the State of Montana; providing for the non-institutional indigent and the unemployed destitute; providing for old age assistance; providing for needy dependent children; providing for needy blind individuals; providing for services	

No.	Title of Bill	Page
	for crippled children; providing for services for child welfare and relating to vocational rehabilitation; creating a State Department of Public Welfare, a State Board of Public Welfare, County Boards of Public Welfare, prescribing their powers and duties; creating certain funds; providing for administrative functionaries, their appointment and removal, their qualifications, salary, term and tenure of office, and their powers and duties; prescribing certain powers and duties of the Board of County Commissioners; prescribing rules of eligibility and regulations for all assistance under the provisions of this Act; providing for the appropriation and disposition of funds and revenue; directing the levy of certain taxes provided by law; providing for contracts with the United States; defining fraudulent acts; assuming the powers and duties of the Bureau of Child Protection and of the Orthopedic Commission under the authority and supervision of the State Department of Public Welfare; and repealing Sections from and including Section 335.1 and each successive Section to and including Section 335.45 and Sections from and including Section 10480 and each successive Section to and including Section 10487 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith; and repealing and providing for the date of repeal of Sections from and including Section 2511 and each successive Section to and including Section 2514. Sections from and including Section 336 and each successive Section, to and including Section 347 of the Revised Codes of Montana, 1935."	232, 250, 366, 412, 439, 441, 460, 462, 549, 556, 558, 581, 584, 632, 662.
227	Introduced by Lehrkind et al: "A Bill for an Act creating a State Park Commission and providing a Superintendent therefor; fixing the salary for the Superintendent and authorizing the employment of additional help; providing rules and regulations for the development, maintenance, upkeep and management of State Parks and Historic Sites; providing for the acceptance of gifts, grants and bequests, establishing a trust fund for and the manner of the payments therefrom; providing police power for employees within State Parks and Historic Sites; providing penalties; making an appropriation to carry out provisions of the Act."	233, 360, 412, 444, 451, 453, 554.
228	Introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Sections 8093, 8094, 9334, 9335 and 9344 of the Revised Codes of Montana, 1935, relating to the drawing capsules from the trial juror boxes; providing that the District Judge shall draw such capsules and providing that in Counties where there are two or	

No.	Title of Bill	Page
	more Disrtict Judges residing that each of such Judges shall participate in the drawing of such capsules." .....	237, 376, 412, 455, 463, 464, 540, 558, 566.
229	Introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 256 of the Revised Codes of Montana of 1935, providing for the duties of the Board of Examiners, and ratifying and affirming contracts of State owned automobiles, motor and non-motorized vehicle equipment insurance, including public liability, property damage, collision, fire and theft, heretofore entered into by the Board of Examiners or any State Officer, Board or Commission, or any two or more of them jointly, and ratifying and affirming the Acts of the Board of Examiners, State Auditor and State Treasurer in paying premiums with state money on such heretofore entered into insurance contracts." .....	237, 291, 340, 363, 398, 409, 529, 538, 540, 559, 591, 629, 632.
230	Introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Chapter 16 of the Code of Civil Procedure of the Revised Codes of Montana for 1935 by adding thereto a new Section to be known as Section 8902.1 which Section shall provide that no trial jury shall be required to attend Court for a period in excess of thirty days (30) except as herein provided." .....	238, 375, 412, 455, 468, 473, 529.
231	Introduced by Smith et al: A Bill for an Act entitled: "An Act to amend Subsection 6, Section 4028, of the Revised Codes of Montana, 1935, relating to exempting stock of rural electrification Associations from the provisions of the State Investment Law, and repealing all Acts and parts of Acts in conflict herewith." .....	238, 333, 375, 397, 425, 439, 441, 446, 456, 468, 471, 579, 592, 621, 665, 666.
232	Introduced by Cruickshank et al: A Bill for an Act entitled: "An Act to amend Section 1057 of the Revised Codes of Montana of 1935 relating to the establishment and maintenance of Kindergartens and providing for the establishment and maintenance of nursery schools." .....	238, 276, 307, 335, 350, 355, 566.
233	Introduced by Cruickshank et al: A Bill for an Act entitled: "An Act to provide for the establishment af adult education Schools or Classes." .....	238, 276, 329, 333, 338, 350, 356, 441, 579, 580, 625, 658.



No.	Title of Bill	Page
234	Introduced by Heavlin: A Bill for an Act entitled: "An Act to amend Section 2396.4 Revised Codes of Montana of 1935, relating to refund of gasoline tax, so that Counties, Cities and Towns shall be entitled, to such refund for tax paid on gasoline used by such Counties, Cities and Towns in the performance of their governmental and proprietary functions." .....	238, 277, 329, 363, 384, 405, 579, 581, 621, 651, 652.
235	Introduced by Love: A Bill for an Act entitled: "An Act requiring the operators of motor vehicles involved in accidents to give aid to injured persons, to disclose identity, to report accidents, providing forms for reports, providing for reports by Coroners, providing for the confidentiality of such reports and repealing Sections 1744.1, 1754.5, 1754.6 of the Revised Codes of Montana, 1935 and all Acts and parts of Acts in conflict herewith.".....	238, 377, 424, 460, 468, 472, 572.
236	Introduced by Chamberlain et al: A Bill for an Act entitled: "An Act making it mandatory upon the State Highway Commission to perform all highway construction work within the State of Montana, directly under the supervision of the Highway Commission by employing all labor on a "Day Labor Basis," and providing further that the Highway Commission shall furnish all equipment and materials for the performance of said work and providing a penalty and forfeiture for failure to carry out the provisions of this Act.".....	238, 263.
237	Introduced by McKenna: A Bill for an Act entitled: "An Act to repeal Section 9797, relating to Costs of Demurrer or Motion." .....	238, 391.
238	Introduced by Scott: A Bill for an Act entitled: "An Act to amend Section 4465.27 of the Revised Codes of Montana, A. D. 1935, providing for the leasing of County property.".....	239, 312, 350, 380, 406, 433, 441, 453, 559, 581.
239	Introduced by Eggenberger, by request: A Bill for an Act entitled: "An Act creating a County Board of Education, defining its membership, term of office, duties and powers, providing for the employment of a Music Supervisor; providing manner in which third class School Districts may appoint a District Supervisor, curtailing the supervision of the County Superintendent of such Districts; defining the qualifications of a County Superintendent of Schools, defining the duties of a County Superintendent, the duties of Trustees and the duties of Principals and Teachers, and repealing all Acts and parts of Acts in conflict herewith." .....	239, 276.

No.	Title of Bill	Page
240	Introduced by Shanley et al: A Bill for an Act entitled: "An Act authorizing Counties to construct and maintain projects protecting rivers, streams and creeks from pollution; authorizing Boards of County Commissioners to incur indebtedness therefor, providing the method of spending said money and the repayment thereof; empowering Counties to accept federal aid from any federal Agency; authorizing the State Highway Commission and the State Fish and Game Commission to contribute to the cost and maintenance of such projects under conditions specified in this Act, and authorizing Counties to procure land necessary for said projects." .....	239, 277, 329, 359, 378, 386, 479.
241	Introduced by Joffray: A Bill for an Act entitled: "An Act to amend Section 11159 Revised Codes of Montana, 1935, prohibiting gambling games, said amendment providing for the playing of certain games for amusement and pastime, and the use in places of business trade stimulators upon the payment of a license to the County Treasurer, and providing a penalty for the violation thereof." .....	239, 398, 412, 455, 468, 469, 597, 639, 652, 663.
242	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act amending Section 2208.1 of the Revised Codes of Montana of 1935, relating to the sale of tax deed lands, the terms of such sale, the taxation of lands so sold, and providing for lease and exchange of tax lands, and repealing Section 2235 of the Revised Codes of Montana of 1935." .....	239, 352, 398, 415, 455, 463, 465, 572.
243	Introduced by Lasby: A Bill for an Act entitled: "An Act amending Section 1759.5 of the Revised Codes of Montana, 1935, requiring the use of license plates on motor vehicles; defining certain regulations pertaining to license plates; relating to fictitious license plates; relating to the use of license plates other than those provided by law." .....	239, 291, 336, 339, 344, 348, 579, 622.
244	Introduced by Kruse: A Bill for an Act entitled: "An Act to amend Section 566 and to repeal Sections 594, 595 and 633 Revised Codes of Montana 1935, all relating to the posting of Notices of Closing of Registration Books and the holding of Primary Nominating and other Elections." .....	248, 342, 375, 406, 411, 436, 447, 529.
245	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Andy Briscoe as compensation or as a pension for injuries received while on duty in the service of the	

No.	Title of Bill	Page
	State of Montana as a private in the Service Company 163rd infantry, Montana National Guard.".....	248, 264, 307, 329, 343, 382, 388, 436, 447, 597, 629.
246	Introduced by Appropriations Committee: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes as designated herein, for certain State Departments and offices for the period beginning July 1, 1937, and ending June 30, 1939.".....	249, 258, 336, 339, 355, 384, 405, 597, 627, 646, 652, 698, 699.
247	Introduced by Minette et al: A Bill for an Act entitled: "An Act creating and establishing a Department of Public Welfare and providing for a State and County Boards of Public Welfare and for Officers and employes thereof; defining the powers and duties of such Department, Boards and Officers; making more adequate provision for the care of needy aged persons, dependent, crippled and delinquent children and children in danger of becoming delinquent and for the care of needy blind persons; providing for the supervision of all forms of public assistance and State activities in connection therewith; the granting of licenses to certain charitable institutions; providing for the raising of revenue for the purposes of this Act; providing for the cooperation of the State Department of Public Welfare with other State and Federal Agencies; providing for the administration of all funds appropriated by the State of Montana or made available to the State of Montana by Congress or by order of the Executive Department of the United States, and repealing Sections 325, 326, 327, 328, 333, 334, 335, 335.1 to 335.17, inclusive, 335.18 to 335.45, inclusive, 336 to 341, 344 to 347, inclusive, and 2512 to 2514, inclusive, Revised Codes of Montana 1935, and all other Acts and parts of Acts in conflict with the provisions of this Act.".....	249, 412.
248	Introduced by Mackie: A Bill for an Act entitled: "An Act to amend Sections 3076 and 3078 of the Revised Codes of 1935 relative to the hours of work of minors and women and fixing a penalty for the violation of the same; repealing all Acts in conflict therewith.".....	249, 258, 307, 309, 324, 398, 409, 579.
249	Introduced by Mulholland, by request: A Bill for an At entitled: "An Act making it unlawful the appointment by any court of this state of any corporation organized for any purpose whatsoever, its directors, officers, agents, attorneys, or employees, as administrator of any estate, executor or any last will and testament, or as guardian or any minor or minors, insane, or incompetent	

No.	Title of Bill	Page
	person, or persons, excepting where such director, officer, agent, attorney or employee is entitled to take any part of said estate under the laws of succession of this state, and any legatee or devisee in any will who is entitled to take under a bequest in said will or testament a portion greater than ten per cent of the inventoried value of said estate; and providing the effect of any such nomination or appointment." .....	252, 376.
250	Introduced by Mulholland: A Bill for an Act entitled: "An Act to amend Section 3074 of the Revised Codes of Montana of 1935, relating to the hours of telephone operators." .....	253, 258, 307, 324, 329, 334, 579.
251	Introduced by Brennan: A Bill for an Act entitled: "An Act to authorize the State Water Conservation Board to construct and operate an irrigation project known as the "Sidney Pumping Project" in Montana and North Dakota and to divert and convey waters from the Yellowstone River in Montana to the State of North Dakota for the operation of said project." .....	253, 307, 336, 338, 344, 349, 540, 557.
252	Introduced by Acher: A Bill for an Act entitled: "An Act to amend Section 8184 of the Revised Codes of Montana of 1935 relating to the qualification and designation of electors entitled to vote at irrigation district elections and the manner of voting by agents, co-owners and purchasers of land under contract of sale." .....	253, 337, 384, 406, 416, 441, 453, 540.
253	Introduced by Phelan, by request: A Bill for an Act entitled: "An Act to permit a Board of County Commissioners to employ a tax title clerk, defining the duties of such clerk and providing for salary." .....	253, 337.
254	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 1805.14 of the Revised Codes of Montana of 1935, relative to the salaries and compensation of the Commissioner of State Lands, the Assistant Commissioner, the Chief Field Agent, and all other officers, agents, and employees of the Department of State Lands and Investments." .....	253, 293, 412, 444, 451.
255	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 11398 of the Revised Codes of Montana, 1935, relating to written threats prescribing what constitutes a written threat and making the commission of same a misdemeanor." .....	253, 275, 307, 329, 337, 346, 384.
256	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to authorize and reg-	

No.	Title of Bill	Page
	ulate the issuance of bonds for the purpose of refinancing, or of refinancing and improving, revenue-producing works, undertakings, and projects by cities and towns and the State Water Conservation Board and to provide for the payment of such bonds." .....	253, 275, 336, 339, 355, 391, 417, 621, 631, 632, 652, 701.
257	Introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 8980, Revised Codes of Montana for 1935, prohibiting attorneys from acquiring claims for the purpose of bringing action thereon." .....	253, 377.
258	Introduced by Trandum: A Bill for an Act entitled: "An Act to reduce taxes on real and personal property by limiting the levies which may be made by Boards of County Commissioners and City and Town Councils and Commissioners for county and municipal taxes." .....	253, 380.
259	Introduced by Burns: A Bill for an Act entitled: "An Act amending Section 2634.8 of the Revised Codes of Montana, 1935, relating to the purchase and sale of eggs: and repealing Section 2634.9 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith." .....	254, 276.
260	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to provide for the disposition of all money received from income tax, corporation license tax, electric energy producer's license tax, metalliferous mines license tax, telegraph license tax, oil producer's license tax, natural gas distributor's license tax, store license tax, public contractor's license, cigarette dealers license, Montana Beer Act, inheritance tax, and profits from State Liquor Control Act of Montana: Amending Sections 2343.3, 2344.12, 2399 and 2815.50, Revised Codes of Montana, 1935; and repealing Sections 2295.28, 2303.12, 2355.9, 2408.9, 2420.10, 2433.8, 2435.4, 2815.157 and 10400.49, Revised Codes of Montana, 1935." .....	254, 360, 398, 415, 451, 457, 458.
261	Introduced by Phelan, by request: A Bill for an Act entitled: "An Act to amend Section 2209.1 of the Revised Codes of Montana for 1935, relative to taking of tax deeds by counties, cities and towns, so as to permit the Board of County Commissioners to employ a tax title clerk whose duties shall be, on order of the Board of County Commissioners, to apply to the County Treasurer for issuance of tax deeds, and making it his duty to give notice of application and to make proper proof thereof, and providing for payment and amount of salary to said tax title clerk." .....	254, 337.



No.	Title of Bill	Page
262	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 6 of Article XVI, relating to certain officers and their terms of office." .....	254, 330, 375, 406.
263	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Section 5080 of the Revised Codes of Montana of 1935, relating to the liability of cities and towns for injury or damage to person or property received or suffered by reason of any defect in any bridge, street, road, sidewalk, culvert, park, public ground, ferry-boat, or public works of any kind in cities and towns." .....	254, 293, 336, 339, 344, 349, 579, 580, 624, 663.
264	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to repeal Section 1709 of the Revised Codes of Montana of 1935." .....	254, 275, 307, 354, 366, 373, 446.
265	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Chapter 398, Political Code, Revised Codes of Montana, 1935, by adding thereto a Section to be designated and known as Section 5277.6 the purpose of which is to extend the security now afforded special improvement district bonds or warrants to include miscellaneous sidewalk and curb bonds or warrants issued pursuant to Section 5244, Revised Codes of Montana, 1935." .....	254, 275, 307, 329, 337, 346, 621.
266	Introduced by Nelson et al: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section Six of Article Five of the Constitution of the State of Montana so as to provide that the Legislative Assembly shall assemble for a period of thirty days, then recess for a thirty day period and then reassemble for a thirty day period." .....	255, 277, 329, 359, 383, 398, 410.
267	Introduced by Daly: A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in or about hotels, restaurants, and cafes, and providing penalties for a violation thereof." .....	255, 258, 307, 324, 329, 334, 579.
268	Introduced by Johnson: A Bill for an Act entitled: "An Act to amend Section 3732 of the Revised Codes of Montana of 1935, relating to non-residents shipping game animals, game birds, fish,	

No.	Title of Bill	Page
	fur-bearing animals, or the skins of game animals and fur-bearing animals, or parts thereof out of the state." .....	255, 292, 336, 355, 366, 373, 529, 538, 551, 557.
269	Introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to amend Sections 2815.63, 2815.65, 2815.66, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana of 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana, and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Boards; creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the powers and duties of such officers: defining 'nuisance', and providing for the abatement of same and repealing Section 2815.52 of the Revised Codes of Montana of 1935." .....	255, 435.
270	Introduced by Mungas: A Bill for an Act entitled: "An Act to amend Section 4916 of the Revised Codes of Montana, 1935, relating to the fees of Sheriffs." .....	255, 314, 350, 364, 377, 388, 516, 526, 534, 546.
271	Introduced by Committee on State Boards and Offices, by request: A Bill for an Act entitled: "An Act to amend Sections 5108.2 and 5108.7 of the Revised Codes of Montana for 1935, relating to the creation of police reserves of police officers in cities and towns of the first and second class in the State of Montana and the qualification of members thereof, and providing for the tax levy for the payment of said police reserves and specifying the limitations of said levies." .....	255, 257, 286, 324, 329, 334, 445, 488, 489, 512, 637.
272	Introduced by Toomey, by request: A Bill for an Act entitled: "An Act to amend Chapter 272 of the Political Code of the Revised Codes of the State of Montana of 1935, relating to the regulation of the practice of pharmacy; by repealing Section 3172 of the Revised Codes of Montana of 1935; and amending Sections 3174, 3175, 3177 of the Revised Codes of Montana of 1935; and by the addition to said Chapter 272 of two new Sections to be known as Sections 3174.1 providing for the revocation or suspension of pharmacists or licensees and enumerating causes therefor, providing for opportunity of such persons to be heard and provisions for the requirement of attendance	

No.	Title of Bill	Page
	of witnesses and punishment for disobedience; and 3174.2 of the Revised Codes of Montana of 1935 granting power to the Board of Pharmacy supervision over sales of drugs and medicines in towns having no registered pharماسists; and by amending Sections 3181, 3183 and 3184 of the Revised Codes of Montana of 1935; by reenacting Sections 3202.7 and 3202.8 of the Revised Codes of Montana of 1935 and amending Section 3202.10 of the Revised Codes of Montana of 1935, all relating to the regulation of the practice of pharmacy, and repealing all Acts and parts of Acts in conflict herewith." .....	255, 435, 436.
273	Introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 2453 of the Revised Codes of Montana of 1935, relating to the inspection and regulations of places of public resort."....	256, 286.
274	Introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act appropriating money for the payment of a certain judgment duly and regularly made and entered in the District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark against the State of Montana, in the sum of two thousand six hundred ninety five dollars (\$2695.00) in favor of Pietro Maria Amabile Notti as Consular Agent of Italy, by reason of said money belonging to Steve Angelo, deceased, an Italian subject and which money was paid and delivered to the State Treasurer of the State of Montana, pursuant to Section 10001, Revised Codes of the State of Montana, 1935, relating to the duties of Public Administrators in handling escheated estates, and directing the State Auditor to draw his warrant in settlement of said Judgment." .....	260, 274, 310, 335, 350, 358, 540, 545, 552, 557.
275	Introduced by Mungas, by request: A Bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of a barber shop or beauty parlor within this state to pay to the State Treasurer for engaging in carrying on such business certain license fees for the exclusive use and benefit of the State of Motnana: Fixing the amount of such license; prescribing methods for assessment and collection thereof; the penalties for violation of the provisions of this Act." .....	260, 288, 311.
X 276	Introduced by Miles et al: A Bill for an Act entitled: "An Act requiring license for the operation, maintenance, opening or establishment of movie theatres; relating to exemptions from such license requirement; relating to the collection and disposition of license fees and amending Section	

No.	Title of Bill	Page
	2434 of the Revised Codes of Montana of 1935, and repealing all Acts and parts of Acts in conflict herewith." .....	260, 413, 441, 449, 457, 458, 597, 600, 622, 639, 663, 664, 700, 701.
277	Introduced by Scofield et al: A Bill for an Act entitled: "An Act to amend Section 2620.45, Revised Codes of Montana for 1935, having to do with the license fees for persons, firms or corporations selling, exchanging or offering for sale, or having in possession with intent to sell, oleo-margarine, imitation or filled cheese, or any substitute for any dairy product made from milk or cream and exceptions thereto." .....	260, 377, 401.
278	Introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act permitting Arthur Williams of Silver Bow County, Montana, to file a claim for compensation for alleged industrial accident after expiration of six months from date of the happening of the alleged accident, injury and disability, and permitting notice thereof to be deemed given." .....	260, 377.
279	Introduced by Mitchell: A Bill for an Act entitled: "An Act to amend Section 2757 of the Revised Codes of Montana, 1935, relating to compensation of officers." .....	261, 263, 313, 326, 359, 383, 398, 418, 516.
280	Introduced by Metlen et al: A Bill for an Act entitled: "An Act to create the office of Commissioner of State Securities in connection with the State Banking Department, providing for his appointment, powers, duties, term of office and salary." .....	261, 413.
281	Introduced by Metlen et al: A Bill for an Act entitled: "An Act to amend Sections 1805.1, 1805.2, 1805.5, 1805.8, 1805.10, 1805.11, 1805.14 and 1805.120, of the Revised Codes of Montana, 1935: and to repeal Section 1805.9 of the Revised Codes of Montana of 1935, relating to the Department of State Lands." .....	261, 413.
282	Introduced by Bower: A Bill for an Act entitled: "An Act amending Section 4880 of the Revised Codes of Montana, 1935, relating to the maximum number of Deputy Treasurers, Assessors, Auditors and County Attorneys and repealing all Acts and parts of Acts in conflict herewith." .....	261, 274, 307, 335, 350, 358, 540.
283	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 1 of Article XVIII, relating to	

No.	Title of Bill	Page
	and providing for a Bureau of Agriculture and a Bureau of Labor and Industry.".....	265, 291, 331, 375, 397, 411, 429, 579.
284	Introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to restrict the manner of taking and possessing fish and game and powers of the State Fish and Game Commission relating thereto, to conserve the supply of game fish within the State of Montana, and to amend Section 3694 of the Revised Codes of Montana of 1935." .....	265, 395, 424, 455, 468, 472, 540.
285	Introduced by Schneider: A Bill for an Act entitled: "An Act to amend Section 1190 of the Revised Codes of Montana 1935, relating to contracts for supplying textbooks by the State Textbook Commission." .....	265, 285, 329, 359, 383, 408, 550, 566.
286	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 5553.8 of the Revised Codes of Montana, 1935, relating to the distribution and sale of the Revised Codes of Montana, 1935, by the Secretary of State, and repealing all Acts and parts of Acts in conflict herewith." .....	265, 275, 329, 333, 338, 359, 362, 479, 537, 637.
287	Introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Section 812.12 of the Revised Codes of Montana of 1935, relating to the rotation of names on the Judicial Ballot." .....	265, 343, 375, 406, 456.
288	Introduced by McLeod: A Bill for an Act entitled: "An Act to amend Section 9716 of the Revised Codes of Montana of 1935, relative to court costs in Justice Courts." .....	265, 352, 384, 406, 411, 429, 529, 557.
289	Introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana 1935, relating to registration of motor vehicles, fees, disposal of proceeds, fee for half year, dealers' registration and transfer thereof, and exempting public owned vehicles; and providing fees for tractors, defining same, and fees for trailers and semi-trailers.".....	266, 398, 435, 451, 461, 462, 597, 627, 628, 658, 659, 661, 700, 701.
290	Introduced by Johnson et al: A Bill for an Act entitled: "An Act amending Section 2201 of the Revised Codes of Montana, 1935, relating to the	



No.	Title of Bill	Page
	time for redemption from tax sales and providing for an increased time for redemption.".....	266, 391.
291	Introduced by DeDobbeleer et al: A Bill for an Act entitled: "An Act appropriating money for the payment to certain named Cooperative Grazing Associations of fees paid the Secretary of State for filing Articles of Incorporation; stating reasons for such refunds and manner for securing same; and dissolving incorporation of associations securing such refund." .....	266, 380, 412, 455, 463, 465, 621.
292	Introduced by Mulholland et al: A Bill for an Act entitled: "An Act relating to the time for filing a claim with the employer, the insurer, or the Industrial Accident Board, under the Workmen's Compensation Act, in case of personal injury to any person connected with, or engaged in, a hazardous occupation, and permitting notice of such injury deemed waived." .....	266, 277, 307, 329, 435, 464.
293	Introduced by Lambert: A Bill for an Act entitled: "An Act creating a Department of Civil Service for the State of Montana, Prescribing the powers, duties, and procedure of the Civil Service Commission and the Director of the State Civil Service in said department: Providing for and regulating the Civil Service in said state; prescribing penalties for the violation of the provisions of this Act; repealing certain Acts and parts of Acts inconsistent with the provisions of this Act: and making appropriation for the support of the said department." .....	266, 380.
294	Introduced by Finnegan: A Bill for an Act entitled: "An Act appropriating a sum sufficient to cover the hospitalization charges and doctor bills of Gilbert McMullen." .....	266, 342.
295	Introduced by Bjorneby: A Bill for an Act entitled: "An Act to amend Section 2169.2 of the Revised Codes of Montana, 1935, relating to time for payment of taxes, penalty and interest, and providing for discount of two percent (2%) on taxes paid on or before the thirtieth (30th) day of November of each year." .....	266, 425.
296	Introduced by Masterson et al: A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks; limiting the legal rate of interest thereof; prescribing licenses and filing fees to be paid therefore; and providing for the disposition of such fees; and prescribing certain powers and duties of the said Board of Equalization in connection therewith; and repealing all Acts and parts of Acts in conflict herewith." .....	266, 360.

No.	Title of Bill	Page
297	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment to the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana." .....	267, 268, 272, 278, 283, 336, 343, 354.
298	Introduced by Committee on Agriculture: A Bill for an Act entitled: "An Act to create soil conservation districts; to create a State Soil Conservation Committee; to define its powers and duties and to declare an emergency." .....	267, 274, 336, 339, 343, 382, 441, 452, 540, 558, 559.
299	Introduced by Anderson (Lincoln): A Bill for an Act entitled: "An Act to amend Section 3697 of the Revised Codes of Montana, 1935, relating to open season for deer and making the waste of meat unlawful under the provisions of the Fish and Game Act." .....	267, 292.
300	Introduced by O'Connor: A Bill for an Act entitled: "An Act to amend Sections 1075 and 1262.39 of the Revised Codes of Montana, 1935, relating to the re-election of teachers, when automatic, and acceptance of appointment as teacher; and the notice given a District Superintendent of Schools for renewal of contract." .....	267, 276, 329, 333, 338, 359, 362, 529.
301	Introduced by Committee on Education: A Bill for an Act entitled: "An Act providing for the re-districting of the State of Montana for school administration and attendance purposes; for the creation of larger districts; abolishing all districts as now existing, disposing of their property and making provision for payment of their indebtedness; providing for the election of new Boards of Trustees, fixing their number and terms of office and specifying their duties, and the manner of nominating and electing such Trustees; providing for the preparation and adoption of school budgets; providing for tax levies for all purposes for elementary and secondary schools, and for the distribution and apportionment of the proceeds of such tax levies and income from other sources for public school purposes; and for other purposes necessary and incidental in connection with the maintenance of the public schools of the State of Montana; and repealing Sections 985 to 990, inclusive, Sections 997, 998, 1001, 1006, 1007, 1010.2, 1019, 1020, 1021, 1023, 1024, 1027, 1034, 1035, 1036, 1036.1, 1036.2, 1037.1, 1037.2, 1037.3, 1037.4, 1037.5, 1039.7, 1039.8, 1039.9, 1039.10, Sections 1040 to 1048, inclusive, Sections 1182, 1183, 1199, 1202, and 1203, Revised Codes of Montana, 1935, and all other Acts and parts	

No.	Title of Bill	Page
	of Acts in conflict herewith are hereby repealed." .....	267, 277, 329, 381, 396, 451, 454, 588.
302	Introduced by Longenecker: A Bill for an Act entitled: "An Act relative to the disbursement of funds derived from the registration or reregistration of motor vehicles; providing that a certain amount of such funds shall be expended by Boards of County Commissioners on the streets and alleys of certain incorporated cities and towns, and under the direct supervision of the County Surveyor of such county." .....	267, 314.
303	Introduced by Lehrkind: A Bill for an Act entitled: "An Act to prohibit persons not owners of a right to use waters of an adjudicated stream or other adjudicated source of water supply, from diverting water therefrom, raising or lowering headgates, or interfering with a Water Commissioner in the performance of his duties and providing penalties for the violation of this Act." .....	278, 385, 424, 456, 462, 466, 566.
304	Introduced by Hess: A Bill for an Act entitled: "An Act to provide for the examination and licensing of superintendents and operators in charge of water purification or treatment plants and sewage treatment plants under the direction of the Department of Health of the State of Montana." .....	278, 288, 415.
305	Introduced by Committee on Education: A Bill for an Act entitled: "An Act to amend Section 1054 of the Revised Codes of Montana, 1935, relating to the courses of study in public schools." .....	278, 291, 329, 333, 338, 359, 363, 550, 556, 564, 581.
306	Introduced by Anderson (Lincoln) et al: A Bill for an Act entitled: "An Act to amend Section 4867 of the Revised Codes of Montana, 1935, relating to salaries of county officers and repealing all Acts and parts of Acts in conflict herewith." .....	278, 308.
307	Introduced by Crouse: A Bill for an Act entitled: "An Act relating to the open season for hunting and killing of elk in Gallatin County, State of Montana, providing for the powers and duties of the Montana State Fish and Game Commission relative to the provisions of this Act, making the violation of this Act a misdemeanor, providing a penalty for such violation and repealing all Acts and parts of Acts in conflict herewith." .....	278, 413.
308	Introduced by Peterson (Pondera), by request: A Bill for an Act entitled: "An Act to amend Sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513.1 and 4513.2 relating to noxious weeds, defined—nuisance; providing for the destruction of	

No.	Title of Bill	Page
	weeds in highways; providing for the creation of weed extermination area and for a weed commissioner and defining his employment and duties; providing for inspection of premises, notice to occupants and service of notice; providing for the destruction of weeds by authorities of notice not observed—collection of costs; providing for the destruction of weeds mingled with crop, authorizing County Commissioners to create an Noxious Weed Extermination Fund to be used for the destruction of noxious weed; and providing for the furnishing of materials for extermination of noxious weeds and the collection of costs therefor.” .....	278, 313.
309	Introduced by Ijams: A Bill for an Act entitled: “An Act to authorize the construction of a building or buildings for the Montana State Infantile Paralysis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary, or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency.” .....	279, 380, 401, 425, 441, 468, 469, 475, 540.
310	Introduced by Chatham: A Bill for an Act entitled: “An Act to establish a State Hospital to be known as the ‘Montana State Infantile Paralysis Sanitarium’ in some suitable location in the State of Montana, for the treatment of infantile paralysis, prescribing rules and regulations for the same, and making appropriations therefor.” .....	279, 379, 401, 425, 463, 468, 469, 476, 554.
311	Introduced by Mulholland et al: A Bill for an Act entitled: “An Act providing for breeding and propagating game birds and animals and fur-bearing animals, and prohibiting the raising of game animals known as elk, deer, antelope, rocky mountain sheep and rocky mountain goats for commercial purposes, and to amend Section 3777 of the Revised Codes of Montana.” .....	279, 332.
312	Introduced by Committee on Appropriations: A Bill for an Act entitled: “An Act to appropriate money from the State General Fund for the salary of bandmaster and instructor at the Montana State Prison, and to prevent the termination of the W. A. Clark Trust for the benefit of pris-	

No.	Title of Bill	Page
	oners at said institution, for the biennium July 1, 1937, to June 30, 1939." .....	279, 311, 350, 364, 377, 388, 597, 629.
313	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to amend Section 194 of the Revised Codes of Montana for 1935, relating to income from various funds of this state, accounting therefor, abolishing 'revolving funds' and providing for credits to and for the General Fund." .....	279, 392, 435, 462, 529.
314	Introduced by McClain et al: A Bill for an Act entitled: "An Act relating to life, health and accident insurance companies who issue group insurance policies and certificates; and repealing all Acts and parts of Acts in conflict herewith." .....	279, 291, 336, 339, 344, 348, 642.
315	Introduced by Scofield et al: A Bill for an Act entitled: "An Act to provide for the return of certain premiums paid by the County of Lewis and Clark and School District No. 91 Powder River County to the State of Montana for insurance on its public buildings in accordance with Chapter 179 of the Session Laws of the Twenty-fourth Legislative Assembly of 1935 and to appropriate money therefor." .....	279, 391.
316	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment of certain claims for refunds of gasoline tax paid by the various departments of the United States government." .....	280, 325, 359, 383, 398, 408, 597, 629.
317	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims for refund of taxes erroneously paid into the State Treasury." .....	280, 311, 350, 364, 377, 387, 621, 658.
318	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the purchase of new floor coverings for the House and Senate Chambers and Lobbies." .....	280, 325, 350, 363, 364, 398, 430, 516.
319	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims arising from the operation of the State Vocational School for Girls, the Montana State Hospital and the State School for the Deaf and Blind." .....	280, 392, 435, 450, 457, 597, 629.



No.	Title of Bill	Page
320	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate Money for certain claims arising from the operation of certain boards, commissions and departments of the state government during the biennium July first 1933 to June 30th 1935 for which departments, boards and commissions the appropriations for said biennium were insufficient.".....	280, 325, 350, 364, 377, 387, 621, 651, 652.
321	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of insurance premiums to the State Insurance Fund for state property insured under the State Insurance Fund Act.".....	280, 325, 359, 432, 433, 434, 641, 644.
322	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for certain claims of the Twenty-fourth Legislative Assembly." .....	280, 325, 350, 364, 377, 390, 597, 600, 627, 658.
323	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to presidential electors." .....	280, 325, 359, 383, 398, 407, 597, 629.
324	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Fred B. Sheriff as compensation for expenses incurred while acting for the State of Montana as State Commissioner of Aeronautics." .....	280, 311, 350, 364, 377, 390, 597, 629.
325	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the purpose of completing the main entrance to the State Capitol Building.".....	280, 325, 350, 363, 378, 404, 407, 420, 554.
326	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6453, Revised Codes of Montana, 1935, providing for the incorporation of churches, charities, fraternal societies, and benevolent associations, and repealing all other Acts and parts of Acts in conflict herewith." .....	280, 353, 398, 415, 455, 463, 466, 579, 622.
327	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act making an appropria-	

No.	Title of Bill	Page
	tion for the payment of inheritance taxes illegally imposed and collected by the State of Montana.".....	281, 413, 414, 441, 450, 468.
328	Introduced by Chatham: A Bill for an Act entitled: "An Act to provide for the creation of the Montana State Board of Forestry, and to define its powers and duties; providing for the conservation and protection of all forest lands and resources of the State of Montana; providing that legal owners of forest lands shall provide protection therefor or pay the actual cost of such protection provided by said board; providing procedure for the assessment and collection of the cost of forest protection; providing for the abatement of public nuisances existing on forest lands; providing police and safety measures for the prevention of and protection against fire on forest lands; providing for cooperation with federal public and private agencies in forest conservation and protection; and providing for the repeal of Sections 1830.9, 1830.10, 1833, 1834, 1838, 1839, 1841, 1842, 2763, 2764, 2766, 2767, 2768, 2770, 2775, 2776, 2777, 2778, 2778.1, 2778.2, 2778.3, 2778.4, 2778.5, 6000 and 6601 of the Revised Codes of Montana of 1935, and all Acts and Parts of Acts in conflict with this Act." .....	281, 435.
329	Introduced by Committee on Petroleum, Oil and Gas: A Bill for an Act entitled: "An Act to amend Sections 3554.14 and 3554.15 of the Revised Codes of Montana of 1935, to reduce the privilege and license tax levied and assessed on crude petroleum produced, save, and marketed or stored within the State of Montana, and to fix the dates for statements of all crude petroleum produced in Montana to be rendered, and to require the payment with such statements of the tax shown thereby to be due the State of Montana." .....	281, 313, 359, 383, 398, 408, 529, 546.
330	Introduced by Chatham: A Bill for an Act entitled: "An Act authorizing the State Board of Land Commissioners to acquire or lease property for development as State Forests and State Parks and providing for the disposition of income from such lands." .....	281, 376, 412, 455, 463, 465, 579, 622.
331	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act prohibiting the sale of commodities in retail stores and wholesale warehouses on Sunday and Holidays and between the hours of 6 o'clock P. M. and 8 o'clock A. M., on week days in cities and towns in this state containing more than twenty-five hundred inhab-	

No.	Title of Bill	Page
	itants; defining terms used therein; stating exemptions from the provisions of the Act, and providing penalties for violations thereof.".....	281, 292, 350, 364, 378, 404, 554.
332	Introduced by Schneider: A Bill for an Act entitled: "An Act to equalize taxation and to replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a tax on gross receipts of goods purchased for direct consumption through retail sales as defined herein; to provide for the collection of such tax, the distribution and use of the revenue derived therefrom, and the administration of said law; to provide for certain deductions and exemptions; to make an appropriation for the administration of this Act; to fix fines and penalties for the violation of the provisions of this Act; to repeal all Acts and parts of Acts in conflict herewith." .....	281, 316, 413, 463, 468, 638.
333	Introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Sections 5097, 5098, 5099 and 5100 of the Revised Codes of Montana, 1935, to provide for and require a police commission in cities of the first and second class; providing for appointment of the members of such police commission; providing the term of office and powers of the members of such police commission; providing the compensation to be paid to members of such commission; providing for the establishment of a police commission in cities and towns other than first and second class, providing for the appointment and qualification of members of the police force in cities of the first and second class and repealing all Acts and parts of Acts in conflict herewith." .....	282, 412, 464, 468, 474, 554.
334	Introduced by Shanley: A Bill for an Act entitled: "An Act to regulate the practices of professional engineering and land surveying: Creating a state board of registration for professional engineers and land surveyors: Defining its powers and duties; also imposing certain duties upon the state and political subdivisions thereof in connection with public work; and providing penalties.".....	282, 392.
335	Introduced by Nelson et al: A Bill for an Act entitled: "An Act to amend Section 2429.10 of the Revised Codes of Montana of 1935, relating to amount of huckster's license." .....	282, 331, 359, 383, 396, 432, 441, 452, 572, 597, 629.

No.	Title of Bill	Page
336	Introduced by Parker et al: A Bill for an Act entitled: "An Act to amend Section 1119 of the Revised Codes of Montana, 1935, relating to the powers and duties of the Public School Teachers' Retirement Salary Fund Board." .....	282, 332.
337	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes, as designated herein, for all State Departments, Boards, Bureaus and Commissions for the period beginning July 1, 1937, and ending June 30, 1939." .....	282, 311, 391, 415, 416, 421, 423, 469, 477, 621, 627, 634, 653, 662, 701.
338	Introduced by Metcalf et al: A Bill for an Act entitled: "An Act establishing certain standards of education and designating the powers and duties of the State Board of Education in relation thereto." .....	282, 381, 464.
339	Introduced by Elliott, by request: A Bill for an Act entitled: "An Act to amend Section 1015, Subdivision 8, Revised Codes of the State of Montana, 1935, defining the duties and powers of trustees, to be amended to give Boards of Trustees in school districts of the first and second class greater powers." .....	282, 353.
Sub. 339	Introduced by Committee on Education: "An Act to amend Section 1015, Revised Codes of the State of Montana 1935, defining the duties and powers of Trustees, and to give Boards of Trustees in school districts of the first and second class greater powers." .....	353, 398, 415, 432, 441, 456, 468, 473, 559, 567, 578, 622.
340	Introduced by Shanley: A Bill for an Act entitled: "An Act amending Sections 2815.14 and 2815.52 of the Revised Codes of Montana, 1935, relating to the Montana Beer Act; and providing when the possession, manufacture or disposal of beer is unlawful, and prohibiting the Board of Liquor Control from selling certain beer." .....	282, 380, 381, 424, 460, 468, 471, 566.
341	Introduced by Stromnes: A Bill for an Act entitled: "An Act providing the method for computing certain deductions allowable on mine taxes in the production of petroleum and natural gas in Montana." .....	283, 333.
Sub. 341	A Bill for an Act entitled: "An Act providing the method for computing certain deductions allowable	

No.	Title of Bill	Page
	on mine taxes in the production of petroleum and natural gas in Montana." .....	333, 360, 389, 398, 401, 409, 529, 538, 552, 566.
342	Introduced by O'Connor: A Bill for an Act entitled: "An Act providing for an open season for the hunting or killing of deer in Carbon County and amending Section 3697 which relates to the open season for the hunting or killing of deer in the State of Montana." .....	283, 413, 621.
343	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act." .....	283, 292, 340, 363, 378, 396, 411, 423, 449, 597, 627, 629, 637, 646, 652, 663, 700.
344	Introduced by Holecek et al: A Bill for an Act entitled: "An Act providing for unemployment compensation; creating a State Unemployment Compensation Commission; establishing an Unemployment Compensation Fund and providing for the administration, distribution and investment thereof; providing for the assessment and collection of contributions upon payrolls of employers; creating a State Employment Service and providing an appropriation therefor; providing penalties for violations." .....	283, 327, 342, 385, 424, 450, 468, 475, 579, 580, 586, 621, 628, 655, 656, 661, 700, 701.
345	Introduced by Conner: A Bill for an Act entitled: "An Act providing for an open season for the hunting or killing of deer in Teton County and amending Section 3697 which relates to the open season for the hunting or killing of deer in the State of Montana." .....	283, 412.
346	Introduced by Bjorneby: A Bill for an Act entitled: "An Act requiring that in certain cases a person holding an elective county office or an elective state office shall file his resignation from the office which he holds with the proper officer before filing his petition as a candidate for another county office or for another state office at a primary nominating election." .....	283, 391.
347	Introduced by Sorte et al: A Bill for an Act entitled: "An Act relating to the absence from State Employment of members of the National Guard while attending the annual encampment of the Regiment." .....	287, 351, 384, 406, 411, 428, 540, 557.



No.	Title of Bill	Page
348	Introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Section 681 of the Revised Codes of Montana 1935, relating to the form, color and size of ballot and providing that all candidates shall be listed under appropriate office headings with party designation appearing after candidates names." .....	287, 343.
349	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 2863 of the Revised Codes of Montana, 1935, relating to the definition of the terms "employee" and "Workman", by including in such definition inmates of Montana State Prison engaged in hazardous occupations, and repealing all Acts and parts of Acts in conflict herewith." .....	287, 293, 336.
350	Introduced by Manning: A Bill for an Act entitled: "An Act to amend Section 464 of the Revised Codes of Montana of 1935, relating to bonds of State Officers and increasing the amount of bonds of Deputy State Treasurer and his Chief Clerk and providing the amounts of bonds of his assistant Clerk and Bond Clerk." .....	287, 351, 391, 423, 425, 438, 550, 581.
351	Introduced by Freshman: A Bill for an Act entitled: "An Act relating to the sale of oleomargarine; defining same; providing for license and stamp tax; prescribing penalties for the violation thereof; and repealing Section 2620.45 of the Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith." .....	287, 312.
352	Introduced by Committee on Ways and Means: A Bill for an Act entitled: "An Act to provide for the support of the Government of Montana for the years 1937 and 1938." .....	287, 353, 391, 432, 436, 446, 621, 651, 652.
353	Introduced by O'Connor, by request: A Bill for an Act entitled: "An Act to amend Section 3228.29 Subdivision B. Chapter 276, of the Revised Codes of Montana 1935, relating to license fees on Barbers and Barber apprentices." .....	287.
354	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 3073.1 of the Revised Codes of Montana, 1935, relating to hours of labor in retail stores—application of provisions and Section 3073.2 of the Revised Codes of Montana, 1935, relating to penalties for violation." .....	287, 292, 336, 355, 366, 373, 559, 568.
355	Introduced by Cusick: A Bill for an Act entitled: "An Act appropriating money out of the Highway Fund for the purpose of construction work on Highway No. 2 and directing the Highway Com-	

No.	Title of Bill	Page
	mission of the State of Montana to do and perform said work." .....	287, 376.
356	Introduced by Lasby: A Bill for an Act entitled: "An Act creating the office of Director General of the State of Montana; providing the appointment, term of office and salary; providing for an Assistant Director General, term of office and salary; prescribing certain duties of the State Board of Examiners in connection with the provisions of this Act; relating to the filing of bonds; transferring the duties performed by the State Accountant and the duties of the Budget Office to the Office of the Director General; repealing Sections 305, 306, 307, 308 and 309 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith." .....	288, 393, 395, 401.
357	Introduced by Committee on Labor, by request: A Bill for an Act entitled: "An Act relating to hours of work of members of paid fire departments of Cities of the Second class, providing a minimum compensation for members of paid fire Departments of Cities of the Second Class, providing penalties for a violation thereof, and repealing all Acts or parts of Acts in conflict therewith" .....	295, 395, 435, 460, 468, 474, 597, 628, 633, 651, 652.
358	Introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act to amend Section 2835 of the Revised Codes of Montana of 1935; relating to investigations of cases under plan three of the Workmen's Compensation Act; to amend Section 2907 of the Revised Codes of Montana of 1935; relating to adequate hospital facilities for injured workmen and the cost thereof; and relating to deductions from wages of employees for the payment of medical and hospital services; to amend Section 2917 of the Revised Codes of Montana of 1935; relating to the payment of medical and hospital bills for the care of injured workmen, and the jurisdiction of the Industrial Accident Board in such cases; to amend Section 2945 of the Revised Codes of Montana of 1935; relating to the cost and disbursements in proceedings or hearings under plan three of the Workmen's Compensation Act within and without the State of Montana; to amend Section 2953 of the Revised Codes of Montana of 1935; relating to proceedings and hearings before the Industrial accident Board and attorney fees chargeable to claimants, and to repeal all Acts and parts of Acts in conflict herewith." .....	295, 337, 384, 406, 411, 429, 540, 557.
359	Introdouced by McClain et all: A Bill for an Act entitled: "An Act authorizing the State Board of Education to provide retirement pay for the	

No.	Title of Bill	Page
	Teachers and other employees of the University of Montana, to deduct from their salaries for the purpose of providing money therefor, and appropriating money for such purpose." .....	295, 310, 316.
360	Introduced by Shanley, by request: A Bill for an Act entitled: "An Act relating to discrimination between citizens in regard to certain services and employment and repealing all Acts and parts of Act in conflict herewith." .....	295, 310.
361	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 3086 of the Revised Codes of Montana, 1935, relating to discharged employee—wages, when payable, and providing for ten new additional Sections to Chapter 264 of the Revised Codes of Montana 1935, to be known as Sections 3086.1, 3086.2, 3086.3, 3086.4, 3086.5, 3086.6, 3086.7, 3086.8, 3086.9 and 3086.10, providing for the time, place and procedure, for payment of wages of employees, when discharged and otherwise; defining terms under this Act; fixing employer's responsibility for contractors pay roll; providing for procedure; authorizing an assignment of wage claims to Commissioner for recovery for civil actions, and enforcement thereof; providing that in civil actions that the Commissioner can bring actions without cost for services or otherwise; defining Commissioner's duties relative to persons; pursuant to law; providing for enforcement of this Act by the Commissioner; requiring employers to keep a true and accurate record of hours worked and wages paid employees; providing for enforcement forfeiture and penalties for violation of this Act and repealing all Acts and parts of Act in conflict herewith." .....	295, 310, 384, 411, 421, 423, 425, 442, 579.
362	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act regulating and fixing the hours of labor in the following mentioned industries, occupations, undertaking and employments, underground quartz mining; strip mining; placer mining; regularly organized fire Departments; retail stores, including drug, confectionery and cigar stores; meat markets; wholesale warehouses; bakeries; public garages; automobile service stations; chauffeuring and taxi-cab driving and operating for hire; passenger and freight elevator operating; laundries; all forms of manufacturing and repairing; abattoirs; canning and packing fruits, vegetables and meat, and all other products for human or animal consumption; carpentry; plumbing, masonry; brick laying, and all other building trades occupations and employments; cement work of all kinds; electrical work of all kinds and character; creameries; cheese factories; cereal, flour and grain milling; printing	

No.	Title of Bill	Page
	and bookbinding; oil, gas and petroleum industries; theatre employments and occupations of every description; lumber mills and lumbering; all occupations and employments in and about telephone, telegraph and radio stations and plants; railroad coal docks, and cinder pits; bartending; janitor service in and about private buildings, offices and plants; nursing in and about private institutions for the insane; providing for an exception in cases of emergency where life and property are in imminent danger; excepting the owner of the business from the provisions hereof; defining the term 'Day'; providing for a penalty for the violation of this Act; and repealing all Acts and parts of Acts in conflict herewith" .....	295, 310, 359, 383, 411, 425, 442, 588.
363	Introduced by Committee on Labor: A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in banks, providing the minimum wages for persons employed in banks, and providing penalties for the violation thereof." .....	296, 310, 350, 364, 391, 417.
364	Introduced by Toomey: A Bill for an Act entitled: "An Act to provide for the recording of subordination agreements or waivers in favor of subsequent purchasers, encumbrancers or mortgagees in case of real estate mortgages, and for the filing thereof in the case of chattel mortgages, and that such record or such filing, as the case may be, shall operate as due and legal notice to the mortgagor and the mortgagee and to all other interested persons, and to provide that any such subordination agreement or waiver shall be valid and binding when executed by the record holder of the mortgage involved." .....	296, 352, 384, 423, 425, 438, 529, 540, 541.
365	Introduced by Store et al: A Bill for an Act entitled: "An Act to amend Section 4536 of the Revised Codes of Montana 1935, relating to burial of deceased soldiers, sailors, marines, and army nurses, and providing when and in what cases the provisions thereof may be effective." .....	296, 351, 391, 423, 436, 447, 540, 557.
366	Introduced by Masterson et al: A Bill for an Act entitled: "An Act to amend Section 5729 and 5730 of the Revised Codes of Montana of 1935, relating to causes for annulling a marriage, actions therefor, and when and by whom commenced." .....	296, 351, 391, 423, 425, 437, 572.
367	Introduced by Peterson of Sheridan: A Bill for an Act entitled: "An Act amending Section 10307 of the Revised Codes of Montana of 1935, relating	

No.	Title of Bill	Page
	to the order of payment of debts of the estate of deceased persons." .....	296, 377.
368	Introduced by Mackie et al: A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Article V of the Constitution of the State of Montana, by adding thereto a Section to be known as Section 46, providing for a State Budget and the manner in which appropriations shall be made by the Legislative Assembly." .....	296, 331.
369	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act relating to bridges within any city or town upon a highway crossing a natural stream separating one part from another part of any county in which such city or town is situated and providing for the construction and maintenance of such bridges and their approaches." .....	297, 351, 391, 423, 425, 437, 540.
370	Introduced by Ruffcorn: A Bill for an Act entitled: "An Act to amend Section 3913.2 of the Revised Codes of Montana, 1935, relating to the regulation of Dealers in petroleum products and providing license fees; and providing that Dealers, refiners and applicants agree to become public utilities as a condition precedent to being licensed." .....	297, 333, 375, 386, 423, 436, 448, 460.
371	Introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Chapter one hundred and forty of the Session Laws of the Twenty-fourth Legislative Assembly of the State of Montana, relating to the creation of Public Bodies Corporate and Politic known as Housing Authorities to engage in slum clearance or projects to provide dwelling accommodations for persons of low income, by repealing Section Twenty-five thereof providing that bonds of Housing Authorities are legal investments; by amending Sections Fourteen and Fifteen thereof providing for the type, form and sale of bonds of Housing Authorities; and by adding new Sections to be known as Sections Twenty-five, Thirty and Thirty-one limiting the renting of dwelling accommodations to persons of low income, and providing for certain powers and duties of Housing Authorities; and to declare an emergency." .....	297, 351, 398, 415, 432, 451, 454, 540.
372	Introduced by Masterson: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes as designated herein, for the State Library Extension Commission for the period beginning July 1, 1937 and ending June 30, 1939." .....	297, 325, 359, 383, 398, 420, 588.



No.	Title of Bill	Page
373	Introduced by Holecek: A Bill for an Act entitled: "An Act authorizing the Montana Fish and Game Commission to acquire by purchase, gift or appropriation from streams and lakes water rights for the purpose of propagating, conserving and protecting aquatic animal and plant life and game animals and birds, and declaring such purpose to be a beneficial use." .....	297, 379.
374	Introduced by Committee on Constitutional Amendments: A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 19 of Article VIII of the Constitution of the State of Montana relating to the qualifications and term of office of County Attorney, and to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to the qualifications and terms of office of certain county officers." .....	297, 331, 375, 397, 432, 436, 446.
375	Introduced by Stromnes: A Bill for an Act entitled: "An Act amending Chapter 59 of the Codes of Civil procedure of the Revised Codes of Montana, 1935, by adding a new Section relating to exemptions of judgment debtors and repealing all Acts and parts of Acts in conflict herewith." .....	297, 351, 384, 423, 425, 438, 529, 546.
376	Introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Sections 3683 and 3685, and to repeal Sections 3685.1 and 3685.3 of the Revised Codes of Montana of 1935, relating to classes of licenses and to the fees for, and powers under hunting, fishing, trapping and fur Dealers' licenses within the State of Montana" .....	298, 332, 412, 444, 451, 455, 597.
377	Introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Section 3777 of the Revised Codes of Montana of 1935, relating to license for breeding and propagating game birds, game and fur-bearing animals within the State of Montana." .....	298, 332, 375, 397, 415, 431, 529.
378	Introduced by Scofield: A Bill for an Act entitled: "An Act to amend Section 3719 of the Revised Codes of Montana of 1935, relating to killing of moose, buffalo, caribou or antelope, and providing for authority of the Fish and Game Commission to open season on antelope, prescribing penalties for a violation thereof, and repealing all Acts and parts of Acts in conflict herewith." .....	298, 412.
379	Introduced by Committee on Water Conservation and Flood Control: A Bill for an Act entitled: "An Act to appropriate money for the use of the	

No.	Title of Bill	Page
	State Water Conservation Board of the State of Montana for the administration fund and the conservation revolving fund of the State Water Conservation Board." .....	298, 307, 353, 424, 450, 461, 462, 597, 600, 638, 639, 651, 662, 665, 666.
380	Introduced by Measure: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section 1, Article 5 of the Constitution of the State of Montana relating to the Legislative Department and the powers reserved to the people." .....	298, 331, 375, 397, 415, 431.
381	Introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to amend Sections 1999 and 2000, Revised Codes of Montana of 1935, providing for the classification of taxable property in this State for the purpose of taxation; and providing the percentage of the true and full value of each class which shall be taken and used as the basis for the imposition of the tax thereon; and to repeal Sections 2000.6 and 2000.7, Revised Codes of Montana of 1935, relating thereto." .....	298, 397, 435, 450, 468.
382	Introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 5766 of the Revised Codes of Montana of 1935, relating to the period of residence required to entitle plaintiff to divorce." .....	298, 351, 382, 441.
383	Introduced by Holecek and Vanek: A Bill for an Act entitled: "An Act to provide for the installation of fish screening devices in artificial water courses for the protection of game fish; and vesting certain powers with the State Fish and Game Commission pertaining thereto." .....	298, 379.
384	Introduced by Levissee: A Bill for an Act entitled: "An Act authorizing the State Fish and Game Commission to enter into an agreement with the proper authorities of any or all Indian Reservations within the State of Montana relative to exchange of fishing and hunting privileges, making a violation of this Act a misdemeanor and providing a penalty for such violation." .....	298, 332, 375, 406, 411, 428, 516.
385	Introduced by Masterson: A Bill for an Act entitled: "An Act amending Section 3913.2 of the Revised Codes of Montana, 1935, relating to license fees paid by Dealers in petroleum products and repealing all Acts and parts of Acts in conflict herewith." .....	299, 333.

No.	Title of Bill	Page
386	Introduced by Freshman, by request: A Bill for an Act entitled: "An Act providing the manner for sale of cold storage, preserved or protected eggs." .....	299, 312.
387	Introduced by Chamberlain et al: A Bill for an Act entitled: "An Act declaring a public economic crisis to exist; providing under the police power of the State for a moratorium on all mortgages, liens, contracts for deed, or sales contracts, on debts and mortgages affecting the ownership and possession of certain described property, prohibiting any foreclosure thereon; any tax, mortgagee's, sheriff's or judicial sale thereof; or repossession thereof or eviction therefrom; and suspending and continuing any period of redemption affecting such property for the duration of the moratorium; providing for a jury trial to determine cases coming within this Act; and other provisions." .....	299, 414.
388	Introduced by Goodwin: A Bill for an Act entitled: "An Act to amend Section 715 of the Revised Codes of Montana, 1935, relating to voting by elector when absent from place of residence." .....	299, 313.
389	Introduced by Lippard, by request: A Bill for an Act entitled: "An Act creating a limited retail beer license; prescribing the qualifications, providing penalties for violations; amending Section 2815.44 of the Revised Codes of Montana, 1935, and repealing all Acts and parts of Acts in conflict herewith." .....	299, 393.
390	Introduced by Metlen: A Bill for an Act entitled: "An Act authorizing and directing the State Board of Examiners of the State of Montana to purchase additional lands for campus purposes at the Normal College at Dillon, Montana, and appropriating money for the payment of the price of said land." .....	299, 341, 342, 380, 396.
391	Introduced by O'Connor. A Bill for an Act entitled: "An Act to clarify existing laws and declare the policy of the State respecting the eligibility for appointment of members of the Legislative Assembly to State Offices or as employees of the State during the term for which they shall have been elected and repealing all Acts and parts of Acts in conflict herewith." .....	299, 376, 412, 444.
392	Introduced by Burns et al, by request: A Bill for an Act entitled: "An Act to amend Section 640 of the Revised Codes of Montana, 1935, relating to petition for nomination to be filed; and adding to Chapter 65 of the Revised Codes of Montana, 1935, two additional new Sections to be known and designated as Sections 642 and 643; providing for percentage of electors required on nominating petitions; and providing for qualification of petitioners signing petition for nomination." .....	302, 413, 435, 456.

No.	Title of Bill	Page
393	Introduced by Ijams, by request: A Bill for an Act entitled: "An Act to amend Section 3659, of the Revised Codes of Montana, 1935, relating to Deputy State Fish and Game Wardens, their qualifications and duties and providing for the search without warrant, upon reasonable and probable cause of persons or property where reasonable and probable cause exists, for the belief that the State Game Laws have been violated, and providing for the search with search warrant of vehicles, dwelling houses or other buildings and for the seizure of fish and game possessed, in violation of the law and the confiscation thereof, providing for the arrest of persons accused of violating the law and providing for the reporting of the activities of State Fish and Game Wardens, with their recommendations." .....	302, 379.
394	Introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to the levy of attachment and prescribing an additional method of attaching stocks or shares of any corporation or company when its officers or agents do not live or can not be found in Montana." .....	302, 352, 391, 411, 425, 430, 572, 581, 637, 658.
395	Introduced by Love: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana, relating to revenue and taxation, by adding thereto a new Section to be known as Section 1 (b), providing for the levy and collection and distribution of a license tax on motor vehicles in lieu of all property taxes." .....	302, 331, 375, 406.
396	Introduced by Brennan: A Bill for an Act entitled: "An Act in aid of the Federal Copyright Laws, to assist in effectuating their true intent and their enforcement in the State of Montana by removing and declaring illegal certain monopolistic abuses and activities wrongfully practiced under the guise of copyrights within the State by price fixing combinations, monopolies and pools; to enforce the Montana Constitutional provisions prohibiting price fixing monopolies, and combinations in restraint of commerce and trade providing penalties for combining rights granted by the copyright laws where the effect of such combination results in the use of copyright privileges as instrumentalities of oppression and extortion within the State in violation of Constitutional provisions; and encouraging the rendition, creation and production of copyrighted works among the school children and citizens of the State of Montana; encouraging the marketing and acceptance of copyrighted works, created by the citizens of this State; repealing certain acts; creating a State Anti-Monopoly Board for a particular function to be exer-	

No.	Title of Bill	Page
	cised only in the event of abuses and violations hereof; defining its duties, and the jurisdiction and duties of courts of record; the duties of the prosecuting attorneys, county auditors, the State Treasurer and the Secretary of State; and providing for the appointment of a receiver in certain instances; defining certain terms; providing for service of process on non-residents; prohibiting certain acts; and providing penalties for violation hereof." .....	303, 376, 424, 456, 463, 467, 597, 628, 633, 665, 666.
397	Introduced by McLeod, by request: A Bill for an Act entitled: "An Act to amend Section 1010 of the Revised Codes of Montana 1935, relating to the transportation of pupils from one school district to another providing for the manner of letting contracts for such transportation, prescribing the notice to be given for calling of bids for such transportation; providing when school districts shall pay transportation, board, rent, or tuition of pupils attending school in another district and prescribing the amount to be charged therefore, and providing for the distribution of expenses to be paid by a school district sending pupils to another district and fixing the penalty for any district whose trustees fail to comply with the provisions of this Act." .....	303, 309.
398	Introduced by Stimatz: A Bill for an Act entitled: "An Act granting the State Board of Equalization authority to issue licenses for dance halls; providing for the regulation of dance halls; defining what shall constitute a dance hall, specifying regulations governing the structure thereof and where the same may be located and how conducted; providing that violation of this Act shall be a felony and fixing the penalty therefor." .....	303, 331.
399	Introduced by Tyler et al: A Bill for an Act entitled: "An Act to amend Section 7726 of the Revised Codes of Montana, 1935, relative to the maximum rate of interest." .....	303, 337, 391, 423, 425, 441, 554.
400	Introduced by Elliott et al, by request: A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Justin D. Lovely as compensation for loss of time and suffering as the result of tuberculosis contracted by him in the service of the State of Montana at the State Sanitarium at Galen, Montana and providing for the method of paying the same." .....	303, 342.
401	Introduced by Measure: A Bill for an Act entitled: "An Act to amend Section 5769 of the Revised Codes of Montana, 1935, relating to the expenses of divorce actions and alimony and repealing all Acts and parts of Acts in conflict herewith." .....	304, 413.



No.	Title of Bill	Page
402	Introduced by Sorte et al: A Bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, trust syndicate and corporation engaging in or carrying on the business of refining or processing crude petroleum within the State of Montana to pay to the State of Montana for engaging in or carrying on such business certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this Act." .....	304, 392.
403	Introduced by Goodwin: A Bill for an Act entitled: "An Act providing the manner for placing the list of candidates for State Senate and House of Representatives on any primary or general election ballot." .....	304, 331, 359, 383, 398, 407, 529.
404	Introduced by Nelson et al: A Bill for an Act entitled: "An Act to provide for the inspection and analysis of commercial feeding stuffs and by whom and to regulate the sale thereof in the State of Montana; to define the term "Commercial Feeding Stuffs"; to provide for guarantees of the ingredients of commercial feeding stuffs and affixing labels to the packages thereof; to prohibit the sale of fraudulent or adulterated commercial feeding stuffs; to regulate and license the sale of commercial feeding stuffs; to fix the penalties for the violation of the provisions of this Act." .....	304, 321, 359, 383, 398, 418.
405	Introduced by Monahan: A Bill for an Act entitled: "An Act to amend Chapter one hundred and eighty-four (184) of the Revised Codes of Montana, 1935, by adding a new Section to be known as Section 1999.1, providing for the classification and basis upon which taxes shall be imposed upon all land, town and city lots, with improvements, to the value of twenty-five hundred dollars when used for homestead purposes." .....	304, 398, 435, 459, 468, 474, 529.
406	Introduced by Stimatz: A Bill for an Act entitled: "An Act repealing Sections 2816 to 3033 inclusive of the Revised Codes of Montana, of 1935; providing for board; fixing compensation for said Board; providing for secretary of said Board and requiring records to be kept by said secretary which shall be open to inspection by the public by any and all time and repealing all Acts and parts of Acts in conflict herewith." .....	304, 326, 360.
407	Introduced by Committee on Economy: A Bill for an Act entitled: "An Act to provide that the State of Montana produce commodities for use; creating	

No.	Title of Bill	Page
	production for use districts to own by condemnation, gift or purchase, lands of all kinds, water power, gas and oil fields, forests, and all other kinds of natural resources, and creating production for use districts to manufacture, generate, conduct, buy, grow, and otherwise acquire electric energy, natural gas, petroleum and all of its by-products, timber, wares, commodities, chemicals and products; to furnish services of every nature and establishing a State production for use Commission to purchase or otherwise acquire all products and services; authorizing a tax levy, exercising eminent domain, issuance of certificates of exchange, general obligation and revenue bonds; creating a revolving fund and appropriating seven million dollars therefor; and repealing all Acts or parts of Acts inconsistent therewith." .....	304, 332.
408	Introduced by Appropriation Committee: A Bill for an Act entitled: "An Act to appropriate money for the payment of a deficiency claim of Sam H. Treloar for services rendered by him as Director and Instructor of the Montana State Prison Band at Deer Lodge, Montana, for the period beginning July 1, 1934, and ending June 30, 1935." .....	382, 392.
409	Introduced by Appropriation Committee: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims arising out of the construction, furnishing and equipping of a Hospital building and dormitory at the State Tuberculosis sanitarium, Galen, Montana, and for the payment of said certain claims providing an additional request for grant is not allowed by the United States Government." .....	382, 396, 441, 450, 457, 458, 597, 629.
410	Introduced by Appropriation Committee: A Bill for an Act entitled: "An Act authorizing the State Board of Examiners to acquire title in the name of the State of Montana to certain lots or parcels of land adjacent to the Grounds of the Capitol Building by purchase, donation, transfer or condemnation and to negotiate with the County Commissioners of Lewis and Clark County for deeds to lots acquired by the County for delinquent taxes and appropriating money for the purpose of carrying out the provisions of this Act." .....	382, 396, 464, 468, 474, 554.
411	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the operation, and maintenance of certain boards, departments and institutions, for the fiscal year ending June 30, 1937, it having been determined that the appropriations made by the Twenty-fourth Legislative Assembly are insufficient." .....	396, 414, 441, 450, 457, 597, 600, 622, 632, 639, 643, 646, 652, 665, 666.

No.	Title of Bill	Page
412	Introduced by Minette: A Bill for an Act entitled: "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue-producing undertakings by any city and town, however organized; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof; and defining the operative period hereof." .....	459, 463, 468, 469, 475, 592, 621, 628, 633, 637, 638, 652, 661, 700.
413	Introduced by the Committee on Appropriations, by request, by unanimous consent of the House: A Bill for an Act entitled: "An Act establishing a State Temperance Commission, for the purpose of promoting temperance and decreasing the intemperate use of alcoholic liquors; preventing the use thereof by minors; creating a special state fund to be derived only from the liquor traffic to cover the cost of administering this Act; and making an appropriation from the General Fund to meet expenses incident to administration of the Act before funds are available in the treasury to the credit of the "Temperance Commission Fund" herein established, and providing for the repayment of such appropriation to the General Fund when moneys are available in the state treasury to the credit of the "Temperance Commission Fund" herein provided for." .....	463, 536, 537, 540, 542, 546, 563, 568, 597, 642.
414	Introduced by Committee on Appropriations, by unanimous consent: A Bill for an Act entitled: "An Act to appropriate money for the payment of per diem to the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana." .....	530, 559, 568, 621, 623, 647, 663.
415	Introduced by Monahan et al: A Bill for an Act entitled: "An Act authorizing the state to take advantage of federal activities to furnish emergency relief employment to needy citizens of the state; creating an emergency relief fund; providing for the levy of a tax to finance such fund; authorizing public bodies to issue anticipatory emergency relief fund warrants; authorizing and directing the State Land Board to purchase such warrants under certain conditions and declaring an emergency." .....	538, 539, 545, 556, 557, 567, 568, 628, 638, 649, 650, 662, 698, 699, 701.
416	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate	

No.	Title of Bill	Page
	money for the operation and maintenance of the Industrial Accident Board for the period ending June 30th, 1937, it having been found that the appropriations provided by the 24th Legislative Assembly were insufficient for the above purposes." .....	600, 620, 638, 645, 665, 666.
417	Introduced by Committee on Appropriations: A Bill for an Act entitled: "A supplementary appropriation bill appropriating the sum of twenty-five thousand dollars (\$25,000.00) to pay the mileage and per diem of the members of the Senate and of the Managers appointed by the House of Representatives of the State of Montana for the trial of the Articles of Impeachment preferred against John J. Greene, member of Board of Equalization, and to defray all other expenses incident to said impeachment proceedings." .....	623, 636, 642, 645, 646.
418	Introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money to pay a judgment of the district court of the second judicial district of the State of Montana, in and for the County of Silver Bow, in the sum of six thousand dollars (\$6,000.00).".....	643, 661.

No.	Title	Page
HOUSE JOINT MEMORIALS		
1	Introduced by Finnegan et al: A Memorial to the Congress of the United States requesting enactment of legislation for a National Lottery to supplement Old Age Pension allowances; or to secure modification of Postal Regulations so that state governments could enact lottery systems for supplementing Old Age Pension payments, and for their General Funds. ....	31, 51, 56, 81, 92, 93, 94, 135.
2	Introduced by Burns: A Resolution memorializing the Congress of the United States for the passage of the legislation for the creation and establishment of the Townsend Recovery Plan, and for benefits to be paid to all persons over the age of sixty years. ....	42, 66, 79, 90, 99, 102, 169, 183, 259.
3	Introduced by Minette, by unanimous consent of the House, without notice: "A Memorial memorializing the Representatives of the State of Montana in the Congress of the United States to urge the administrator of Veteran's affairs to provide the necessary personnel to immediately reopen the Veteran's Hospital at Fort Harrison.".....	46, 49, 53, 56, 70, 71, 77, 125.
4	Introduced by McLeod: "A Memorial memorializing the Representatives of the state of Montana in the Congress of the United States to urge and support Legislation providing for a work week of thirty hours." .....	101, 119, 133, 147, 153, 159, 236, 353.
5	Introduced by Committee on Agriculture: A Resolution memorializing the Congress of the United States for the passage of the Legislation providing for wheat crop insurance and the "Ever Normal Granary" and urging the inclusion of the 1937 crop in its provisions recommending certain modifications of the plan as outlined by the Secretary of Agriculture of the United States.....	248, 251, 307, 324, 337, 374, 554.
6	Introduced by Holecek: A Resolution memorializing the Congress of the United States requesting enactment of legislation allowing the people of the State of Montana to receive from the Federal Government its proportion of the payments made by Montana employers to the Federal Government for the year 1936 under Title III and Title IX of the Federal Social Security Act.....	248, 250, 307, 324, 337, 374, 516, 558, 559.



No.	Title	Page
7	Introduced by Cusick et al: A Resolution memorializing the Congress of the United States for the passage of legislation for the construction of the Hungry Horse Dam on the South Fork of the Flathead River in the State of Montana, as a flood control unit of the Columbia River Basin, and to prevent further floods in Flathead County, Montana. ....	256, 307, 340, 468, 469, 476, 540, 557.
8	Introduced by Lasby: Memorializing the Honorable Franklin D. Roosevelt, President of the United States, the Honorable Burton K. Wheeler, the Honorable James E. Murray, Senators from the State of Montana, the Honorable Roy E. Ayers, Governor of the State of Montana, the Honorable Jerry J. O'Connell and the Honorable J. F. O'Connor, members of Congress from the State of Montana, to the Honorable the Administrators of Public Works Administration of the United States, and to the Honorable the Members of the Water Conservation Board of the State of Montana.....	283, 308, 340, 468, 469, 477, 540, 557.
9	Introduced by the Committee on Education: A Memorial to the Congress of the United States requesting enactment of the Harrison-Black-Fletcher Bill to provide for Federal support for public education. ....	288, 291, 336, 600, 621, 623, 639, 658.
10	Introduced by Padbury and D'Ewart: A Memorial for surveys of the proposed Yellowstone-Missouri diversion project to determine the best use of the waters of the Yellowstone River and to stabilize the irrigated lands in the Yellowstone and Missouri River Basins and further to assist in the control of floods along the Yellowstone River, and to provide additional water for navigation in the Missouri River." .....	294, 308, 340, 468, 469, 476.
11	Introduced by Committee on Agriculture: A Resolution memorializing the Interstate Commerce Commission of the United States and the Honorable Members of the Senate of the United States from Montana, Burton K. Wheeler and James Murray, and the Honorable Members of Congress from Montana, Jerry O'Connell and James O'Connor; protesting the granting of reduced freight rates on grain originating in Canada and destined to points in Montana and particularly opposing the continuation of such reductions. ....	305, 321, 360, 432, 436, 448, 579, 580, 626, 651, 652,
12	Introduced by Judiciary Committee: A Memorial petitioning the Congress of the United States for the passage of legislation designed to expedite the work of the United States Supreme Court	

No.	Title	Page
	and to further the interests of progressive, remedial legislation. ....	305, 377, 381.
13	Introduced by Brennan et al: A Memorial for a survey of the Yellowstone river in Montana to determine the best and efficient use of its waters and to stabilize the irrigated and irrigable lands in the Yellowstone river basin and to further assist in the control of floods along the said Yellowstone river. ....	541, 565, 586, 600, 621, 624, 637, 663.
HOUSE MEMORIALS		
1	Introduced by Stortz et al: A Memorial to press for the immediate development of power facilities at Fort Peck or other suitable Montana sites. ....	58, 66, 79, 90, 99, 102.
2	Introduced by Longenecker: A Memorial memorializing the Representatives of the State of Montana in the Congress of the United States, President Franklin D. Roosevelt, the National Social Security Board, and Governor Roy E. Ayers of Montana, praying that they use their every effort to rescind the orders immediately which withdraw assistance to the needy aged people of Montana. ....	141, 149, 152, 155, 160.
3	Introduced by Committee on Public Utilities and State Commissions: A Memorial memorializing the President of the United States, the Senators and Congressmen of the State of Montana, and the Governor of the State of Montana, urging them to work for the incorporation of facilities for the generation of electric power in water conservation projects. ....	164, 174, 196, 217, 232, 242.
4	Introduced by Metcalf et al: A Memorial memorializing the President of the United States, the Congress of the United States, the Senators and Representatives of the State of Montana in the Congress of the United States, and the rural electrification Administration requesting them to extend the period for repayment of rural electrification loans. ....	294, 424.
HOUSE JOINT RESOLUTIONS		
1	Introduced by Masterson et al: "A resolution requesting the State Examiner to make a study of the methods and forms used in relation to assessment, levy and collection of taxes and authorizing the State Board of Equalization to prescribe uniform forms and methods for the keeping of	

No.	Title	Page
	records for the assessment, levying and collection of taxes in the several counties of the State of Montana." .....	54, 56, 66, 81, 90, 107, 108, 211, 228, 229, 264.
2	Introduced by Stortz: A Resolution empowering the Chairman of the Social Security Committee in the House of Representatives, and the Chairman of the Relief and Social Welfare Committee in the Senate to engage and employ temporarily, an expert to assist in devising and drafting present Social Security Legislation." .....	101, 107, 112, 115, 117, 125, 128, 130, 145, 154, 155, 232.
3	Introduced by Toomey: A Joint Resolution memorializing the year 1939 as Montana's year of anniversaries, providing for proper observance thereof, establishing a commission to create and promulgate a program therefor and inviting statewide participation by all citizens therein.....	256, 277, 329, 333, 335, 350, 357, 579, 580, 626, 662.
4	Introduced by Stortz: A Resolution requesting Congress of the United States to bring about the ratification of the treaty relating to a through seaway via the St. Lawrence River and requesting immediate action in this regard on the part of the President of the United States.....	81, 267, 353, 398, 415, 433, 441, 590, 637, 665, 666.
5	Introduced by Lemmer: A Resolution entitled: A Joint Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration, methods and practices of the State Fish and Game Commission and into the handling of the various Fish and Game regulatory measures, and funds supervised by said Commission, and into the construction of building by said Commission, and all its affairs generally, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House.....	294, 314, 315, 321, 360, 406, 415, 419, 437, 442, 516.
6	Introduced by Stortz et al: A Joint Resolution commending the able work of J. G. Bruce, Traffic Expert of the Montana Railroad Commission, and approving his actions in his untiring efforts to secure freight reductions which are of direct benefit to the citizens of Montana.....	305, 350, 406.

No.	Title	Page
<b>HOUSE RESOLUTIONS</b>		
1	Introduced by Lasby: A Resolution requesting certain governmental and state agencies to investigate and prosecute alleged irregularities in the Great Falls district of the Works Progress Administration in Montana. ....	391.
2	Introduced by Joffray: A Resolution requesting the Appropriations Committee of the House of Representatives, the Finance Committee of the Senate and the State Board of Examiners to take into consideration the number of employees employed in state institutions and the number of working hours per day per individual.....	60, 115, 127, 133, 138.
3	Introduced by Toomey et al: A Resolution entitled: A Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration, methods and practices of the State Board of Equalization and into the handling of the various tax laws, and regulatory measures, the administration of which is confided to said Board, and all its affairs generally, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House. ....	72, 365, 497, 536, 575, 579, 585.
5	A Resolution entitled: A Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration and affairs of the Montana Soldiers' Home at Columbia Falls, Montana, connected therewith or related thereto, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House.....	155, 156, 161.
6	Introduced by Stromnes et al: A Resolution entitled: A Resolution to provide for the appointment of a House Committee to conduct an investigation into alleged violation of State Gambling Law and the mandate and decision of the Supreme Court abating certain premises in the City of Butte, in the County of Silver Bow, State of Montana. ....	190, 191.
7	Introduced by Kelson: A Resolution entitled: A Resolution to provide for the appointment of a House Committee to investigate alleged violations of the State Gambling Law in the City of Helena. ....	216.
8	Introduced by Anderson of Phillips et al: A Resolution authorizing and directing the Governor of the State of Montana to appoint a Commission consisting of three members to represent the State of Montana at the Three Hundredth Anniversary of the establishment of New Sweden on the Delaware in 1638. ....	247.

No.	Title	Page
9	Introduced by Goodwin: A Resolution requesting that the picture of the Twenty-fourth Legislative Assembly be made a permanent fixture of the Chambers of the House of Representatives.....	294.
10	Introduced by Stortz: "A Resolution memorializing the Congress of the United States, endorsing the passage and approval of the Joint Resolution introduced in the United States Senate by the Honorable B. K. Wheeler and the Honorable Homer T. Bone, providing for a Constitutional Amendment." .....	421, 422.
13	Introduced by Spiegel: A Resolution in regard to Legislative supplies and equipment. ....	622.
	Resolution relative to Superintendent of Public Instruction. ....	45, 69, 599.
	A Resolution relative to Montana Extension Service. ....	83.
	A Resolution to Capitol Custodian in regard to lunch counter. ....	209.
	A Resolution to investigate violations of election laws in Silver Bow County. ....	220, 667.
	A Resolution requesting Special Session for purpose of impeaching those violating election laws...	221.
	A Resolution in regard to the State Fair. ....	233, 440.
	A Resolution in regard to Joint Rule No. 23. ....	542.
	A Resolution in regard to Board of Equalization....	575, 585.
	A Resolution to proclaim All Montana Day.....	597.
	A Resolution to appoint a board of managers for conducting impeachment. ....	601, 634, 635.
	Resolution on death of Gov. Frank H. Cooney.....	38.
	Resolution to Hon. Thomas G. Stimatz on the death of his son. ....	247.
	Resolution on death of Col. Erastus H. Williams.....	371.



## INDEX TO SENATE BILLS

Bold face figures refer to roll calls: thus, 271.

No.	Title of Bill	Page
1	Introduced by Oliver et al: A Bill for an Act entitled: "An Act to permit real property to be redeemed from Tax sale by paying the original tax, provided such original taxes be paid on or before December first, 1938, and relating to the time of taking tax deed." .....	83, 84, 92, 129, 142, 145, 152, 154, 329, 330, 513, 525, 526, 532, 559, 565.
Sub. 3	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2815.69 of the Revised Codes of Montana of 1935, relating to the opening and closing of the State Liquor Stores." .....	220, 222, 246, 262, 318, 354, 488.
Sub. 4	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2815.77 of the Revised Codes of Montana of 1935 relating to permits for residents and temporary residents, special permits, fees, and repealing all Acts and parts of Acts in conflict herewith." .....	83, 84, 100, 104, 105, 111, 148.
5	Introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 1200.4 of the Revised Codes of Montana of 1935, creating a State Public School General Fund and providing for the disposal of school moneys." .....	169, 170, 219, 243, 249, 333.
6	Introduced by Foor: A Bill for an Act entitled: "An Act to amend Sections 3321, 3322 and 3323 of the Revised Codes of Montana of 1935, relating to the inspection of cattle to be removed from State; Duties of Stock Inspector, and penalties for the violation of this Act." .....	154, 156, 161, 178, 181, 185, 198, 217, 229, 313, 314, 491, 518, 629.
7	Introduced by Hollenback: A Bill for an Act entitled: "An Act to amend Section 6968 of the Revised Codes of Montana, 1935, relating to the selection of homestead and the quantity and the value of the land thereof and repealing all Acts in conflict therewith." .....	479, 481, 492, 514, 519, 579.
9	Introduced by Simmons: A Bill for an Act entitled: "An Act to approve, legalize and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89 of	

No.	Title of Bill	Page
	the Laws of the Twenty-third Legislative Assembly of Montana of 1933." .....	57, 83, 90, 93, 127.
11	Introduced by Ecton: A Bill for an Act entitled: "An Act to amend Section 1224.14 of the Revised Codes of Montana, 1935, relating to the percentage of electors required to vote on and to authorize a bond issue; and repealing all Acts and parts of Acts in conflict herewith." .....	72, 73, 124, 132, 137, 190.
12	Introduced by Foor et al: A Bill for an Act entitled: "An Act to amend Section 11973 of the Revised Codes of the State of Montana of 1935, relating to separate trials of Defendants jointly charged with a public offense." .....	79, 80, 110.
18	Introduced by Simmons: A Bill for an Act entitled: "An Act to amend Sections 10416 and 10416.1 of the Revised Codes of Montana of 1935, relating to sale of and power to mortgage right of dower of insane or incompetent married woman, or of dower of insane or incompetent widow—guardian, and repealing all Acts and parts of Acts in conflict herewith." .....	145, 146, 204, 208, 224, 262.
19	Introduced by Wass: A Bill for an Act entitled: "An Act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this Act a misdemeanor and providing for its administration by the Montana Trade Commission." .....	220, 222, 246, 260, 291, 354, 403, 439.
20	Introduced by Anderson: A Bill for an Act entitled: "An Act to amend Sections 1301.1 and 1301.2 of the Revised Codes of the State of Montana, 1935, relating to emergency relief by the creation of High School Districts, and authorizing the Board of Trustees of said High School Districts to borrow money and to enter into contracts and arrangements for the repair, improvement, equipment, and construction of buildings and public works, providing for elections and procedure to be followed by High School Districts." .....	125, 162, 178, 185, 192, 217.
21	Introduced by Pauline: A Bill for an Act entitled: "An Act prescribing the procedure of removal of certain public officers by the Governor of the State of Montana." .....	479, 487, 548, 556, 559, 587, 600.

No.	Title of Bill	Page
22	Introduced by Oliver: A Bill for an Act entitled: "An Act to provide for the payment of delinquent personal property taxes, and defining the procedure of the County Treasurer where personal property is seized for the payment of such taxes, and providing a time when such personal tax can be paid without penalty or interest.".....	135, 198, 217, 224, 262.
24	Introduced by Montgomery et al: A Bill for an Act entitled: "An Act relating to photography; defining and regulating the practice thereof, and providing a license therefor, and creating a Board of Examiners in Photography." .....	169, 170, 236, 243, 250, 333.
25	Introduced by Page: A Bill for an Act entitled: "An Act to amend Chapter 301 Revised Codes of Montana, 1935, by adding a new Section to be known as Section 3444.1 requiring sampling Works or Smelter to mail to the Lessee a statement of the gross and net proceeds of ores bought or treated from Lessors of Mines; and, to amend Section 3446 providing penalty for violation thereof." .....	135, 149, 152, 158, 204.
26	Introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 11712 of the Revised Codes of Montana for 1935, relating to property feloniously taken in one County and brought into another, and apportioning costs of prosecution and trial by the Judge." .....	104, 105, 162, 178, 185, 192, 248.
27	Introduced by Pauline et al: A Bill for an Act entitled: "An Act to amend Section 104 of the Revised Codes of Montana, 1935, relative to the form of ballot of initiative and referendum measures and repealing all Acts in conflict therewith." .....	145, 146, 150, 152, 158, 204.
28	An Act to amend Sections 9127 and 9192 of the Revised Codes of Montana of 1935, relating to what pleadings are allowed, and time for amendment, answer, or reply after ruling on demurrer or motion, and repealing all Acts and parts of Acts in conflict herewith. ....	125, 129, 132, 136, 190.
32	Introduced by Foor: "A Bill for an Act to establish an unpaid Commission of intergovernmental cooperation." .....	154, 156, 277, 488, 517, 556.
33	Introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 9939	

No.	Title of Bill	Page
	of the Revised Codes of Montana, 1935, relating to the venue in eminent domain proceedings.".....	135, 204, 208, 214, 262.
36	Introduced by the Committee on Employment: A Bill for an Act entitled: "An Act to amend Sections 62 and 76, Revised Codes of Montana, 1935, and Chapter 6 of the Acts of the Twenty-fourth Legislative Assembly of Montana, 1935, relating to the number, designation, election, appointment and compensation of officers and employees of the Legislative Assembly and repealing all Acts and parts of Acts in conflict herewith.".....	125, 168, 169, 178, 183, 205, 208, 224, 251, 257, 273, 286, 488.
37	Introduced by Committee on Taxation: A Bill for an Act entitled: "An Act to amend Section 2295.7 of the Revised Codes of Montana, 1935, relating to income tax and defining gross income and what is included therein." .....	145, 146, 186, 215, 262.
38	Introduced by the Committee on Taxation: A Bill for an Act entitled: "An Act amending Section 2296 of the Revised Codes of Montana, 1935, relating to corporation license tax and defining what organizations are exempt therefrom." .....	125, 145, 186, 215, 262.
39	Introduced by Weinschrott et al: A Bill for an Act entitled: "An Act to permit real estate which has been sold to the county for delinquent taxes and to which the county has taken a Tax Deed and now holds title thereto, may be repurchased from tax sale by paying the original tax providing such original tax be paid on or before December 1, 1938." .....	264, 308.
40	Introduced by Anderson: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to Section 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana relating to the investment and administration of the Public School Permanent Fund, the other permanent funds originating in land grants from the United States for the support of higher institutions of learning, and of other funds as separate and integral funds of the Montana Trust and Legal Fund." .....	326, 328, 549, 567, 572, 574, 658.
41	Introduced by Simmons: A Bill for an Act entitled: "An Act to provide for the exchange of stored water for the flow of waters of streams within the State of Montana and repealing all Acts and	

No.	Title of Bill	Page
	parts of Acts in conflict herewith and providing for the taking effect thereof." .....	220, 223, 259, 284, 289, 333.
42	Introduced by Campbell: A Bill for an Act entitled: "An Act establishing a State Temperance Commission, for the purpose of promoting temperance and decreasing the intemperate use of alcoholic liquors, preventing the use thereof by minors, creating a Special State Fund to be derived only from the liquor traffic to cover the cost of administering this Act; and making an appropriation from the General Fund to meet expenses incident to administration of the Act before funds are available in the Treasury to the credit of the "Temperance Commission Fund" herein established, and providing for the repayment of such appropriation to the General Fund when moneys are available in the State Treasury to the credit of the "Temperance Commission Fund" herein provided for." .....	326, 327, 392, 449, 463.
44	Introduced by Baker of Dawson: A Bill for an Act entitled: "An Act to amend Section 5245 of the Revised Codes of the State of Montana of 1935, relating to interest on assessments in special improvement Districts and fixing the rate of interest at not to exceed six per cent per annum." .....	154, 156, 246, 262, 268, 278, 284, 488.
45	Introduced by Baker (Dawson): A Bill for an Act entitled: "An Act to amend Section 5349 of the Revised Codes of the State of Montana, 1935, relating to the form of bonds and warrants and the rate of interest on bonds and warrants and fixing the rate at not to exceed six per cent per annum." .....	169, 170, 204, 208, 215, 262.
46	Introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 5309.35 of the Revised Codes of Montana of 1935, permitting certain fiduciaries and financial institutions to invest their funds in Home Owners' Loan Corporation bonds and in obligations of National Mortgage Association, so as to permit such fiduciaries and institutions also to invest in debentures issued by the Federal Housing Administration." .....	181, 197, 217, 225, 262.
48	Introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 6018.1 of the Revised Codes of Montana of 1935 relating to loans and investments under the National Housing Act, and to add a new Section to said Act making mortgages insured	



No.	Title of Bill	Page
	and debentures issued by the Federal Housing Administration eligible for deposit purposes.".....	181, 198, 217, 225, 262.
49	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 10088, of the Revised Codes of Montana of 1935, relating to bond of Administrators and Executors, form and requirement of." .....	154, 156, 274, 491, 516, 556.
50	Introduced by Garrison: A Bill for an Act entitled: "An Act to amend Section 191.1 of the Revised Codes of Montana of 1935, making the State Treasurer custodian of all funds received under the terms of Section 10 of the Taylor Grazing Act, as amended June 26th, 1936, and amending Section 191.2 of the Revised Codes of Montana of 1935, providing for the distribution and allocation of such funds in the counties." .....	181, 246.
53	Introduced by Lamp: A Bill for an Act entitled: "An Act to amend Section 10176 of the Revised Codes of Montana of 1935, relating to allowance and rejection of claims; running of Statute of Limitations against claims; providing for notice of the rejection of claims; and providing for the amendment of claims." .....	220, 223, 275, 537.
54	Introduced by Sullivan of Jefferson: A Bill for an Act entitled: "An Act to eliminate reckless and irresponsible drivers from the highways and relating to financial responsibility of motor vehicle owners and operators and making uniform the laws in relation thereto." .....	479, 480, 535, 537, 545, 556, 568, 588, 663.
Sub. 55	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to exempt from taxation lands owned by the State Water Conservation Board or the State of Montana for use in Water Conservation Projects and to provide for the cancellation of taxes remaining unpaid against said lands when same are acquired by the State Water Conservation Board or the State of Montana for such purposes." .....	308, 317, 325, 491, 496, 537.
56	Introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act providing for the establishment, regulation, supervision, licensing and bonding of livestock markets, and prescribing a penalty for violations thereof." .....	211, 214, 246, 262, 284, 289, 488.
57	Introduced by Committee on Public Lands: A Bill for an Act entitled: "An Act to add to chapter number 159 of the Revised Codes of Montana,	

No.	Title of Bill	Page
	1935, a section to be designated Section 1805.29a relating to exchange of lands by the State Board of Land Commissioners, with the State Water Conservation Board." .....	220, 223, 291, 491, 496, 537.
58	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6915 of the Revised Codes of Montana of 1935, relating to the form of acknowledgment by Corporation." .....	251, 252, 350, 491, 495.
59	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 11897 of the Revised Codes of Montana, 1935, relating to time of filing demurrer in criminal actions; and providing for filing and serving demurrers, copy to County Attorney; time for hearing and ruling of demurrer." .....	220, 223, 274.
60	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6893 of the Revised Codes of Montana of 1935, relating to the acknowledgment of instruments required, except when." .....	251, 252, 350, 491, 517, 556.
61	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6910 of the Revised Codes of Montana of 1935, relating to the officer taking acknowledgments must know person making acknowledgments." .....	251, 252, 351, 491, 494, 549.
64	Introduced by Campbell: A Bill for an Act entitled: "An Act providing for the admission in evidence of blood tests in certain cases, and providing for the payment of the costs of the same." .....	251, 252, 291, 491, 517.
65	Introduced by Stevens et al: A Bill for an Act entitled: "An Act to amend Sections 555, 557, 561 and 570 of Chapter 61, Revised Codes of Montana of 1935, relating to who may register, Notaries and Justice of the Peace as deputy registrars, procedure upon change of residence to another county and cancellation of registry cards, and providing for the cancellation of registration and for registraton and re-registration of all electors of the State of Montana, and providing penalties for the violation of this Act, and repealing all Acts and parts of Acts in conflict herewith." .....	286, 342, 513, 514, 519, 579.

No.	Title of Bill	Page
67	Introduced by Robinson et al: A Bill for an Act entitled: "An Act to amend Section 10269 of the Revised Codes of Montana, 1935, relative to petition for Executor or Administrator to make conveyance, and notice of hearing." .....	237, 565, 580, 588, 621, 639.
70	Introduced by Committee on Compensation: A Bill for an Act entitled: "An Act to amend Section 2891 of the Revised Codes of Montana of 1935, relating to the compensation to children, brothers and sisters, and invalid children, and when such compensation ceases, all under the Workmen's Compensation Act." .....	264, 277, 316, 322, 323, 488.
71	Introduced by Benjamin et al: A Bill for an Act entitled: "An Act to amend Sections 2815.63, 2815.65, 2815.66, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana of 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the powers and duties of such officers; defining 'nuisance', and providing for the abatement of same, and repealing Section 2815.52 of the Revised Codes of Montana of 1935." .....	308, 317, 327, 335, 343, 345, 374.
72	Introduced by Cooper: A Bill for an Act entitled: "An Act authorizing the Board of County Commissioners to acquire, erect, furnish, maintain and operate public hospitals in counties wherein no adequate hospital facilities exist; authorizing the Board of County Commissioners to charge patients for the use thereof; to lease the said property for the operation thereof; providing for the disposition of moneys received from the lease or operation of such hospitals; and to amend Section 4465.29 of the Revised Codes of Montana, 1935, and repealing all Acts or parts of Acts in conflict herewith." .....	396, 425, 492, 514, 525, 533, 549, 569, 658.
76	Introduced by Ecton: A Bill for an Act entitled: "An Act to amend Sections 2711.1 and 2711.4 of the Revised Codes of Montana of 1935, relating to cutting, moving, raising or interfering with electric wires and lines." .....	264, 265, 565, 580, 589, 658.
78	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 9111	

No.	Title of Bill	Page
	of the Revised Codes of Montana, 1935, relating to summons and how a summons is served; and providing for the method of service of a summons in cases where a corporation has forfeited its Charter or right to do business in the State.".....	251, 252, 548, 556, 563, 629.
Sub. 81	Introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to authorize any bank, trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this state or the superintendent of banks as the liquidating agent thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or the superintendent of banks as liquidating agent, by virtue of any act or resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation: to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said corporation and to comply with its regulations and requirements: to authorize the superintendent of banks to appoint the Federal Deposit Insurance Corporation as his agent in the liquidation of any such insured closed banking institution; to authorize said corporation to make loans to same and to the superintendent of banks as liquidating agent therefor; to provide for the subrogation of said corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize right of said corporation to make examinations of and to require reports from such institution, and the superintendent of banks to accept same in lieu of any examination or report authorized to be made to said official: to provide for disclosure by said superintendent of banks to said corporation of the condition and affairs of such insured institution and access to information regarding same." .....	479, 487, 524, 526, 532, 579.
82	Introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to provide for the payment of bounty on coyotes, bobcats, lynx, and mountain lions, and amending Sections 3417.1, 3417.2, 3417.4, 3417.5, 3417.6, 3417.13, and 3417.14 and repealing Section 3414 of Chapter 298 of the Revised Codes of Montana, 1935." .....	308, 317, 336, 491, 494, 549.

No.	Title of Bill	Page
83	Introduced by Committee on Federal Relations: A Bill for an Act entitled: "An Act providing for regulation of the preparation, possession and sale of narcotics in the State of Montana; defining certain words and phrases in connection therewith; providing for the issuance of licenses and qualifications therefor; defining the lawful possession thereof; exempting certain preparations in which narcotics may be used; providing for certain records to be kept; providing for the manner of keeping, form and preservation of such records; providing for the use of labels on narcotic drugs; defining the unlawful possession of narcotic drugs; providing for the issuance and execution of warrants, and for the seizure of narcotic drugs; providing for the disposition of such narcotic drugs, implements, furniture, fixtures, vehicles, and other articles so seized; defining the duties of peace officers to arrest offenders and to seize narcotic drugs; forbidding the replevin of narcotic drugs and other property; defining nuisances in connection therewith; defining certain powers and duties of the Secretary of the State Board of Health in connection with the provisions of this Act; relating to obtaining of narcotics by fraud and deceit; providing for enforcement and cooperation for and in accordance with the provisions of this Act; defining the effect of acquittal and conviction under the Federal Narcotics Laws; relating to the constitutionality of this Act; relating to the interpretation of this Act; repealing Sections 3189, 3190, 3191, 3192, 3193, 3199, 3200, 3201, 3202, 3202.3, 3202.4, 3202.5, 3202.6, of the Revised Codes of Montana, 1935, and all Acts and parts of Acts in conflict herewith." .....	308, 317, 352, 514, 522, 629.
84	Introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 2153 of the Revised Codes of Montana, 1935, relating to a lien on personal property taxes and defining priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof." .....	479, 481, 565, 580, 589, 621, 628, 639, 644, 661, 699, 700, 701.
85	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 6375, 6376, 6379, 6380, 6381, 6382, 6387, 6389, and 6391 of the Revised Codes of the State of Montana of 1935 and to add Section 6378.1; All relating to cooperative Associations and validating issuance of shares of different par values of any cooperative Association heretofore issued." .....	286, 524, 529, 536, 550, 567, 577, 652, 661, 666, 700.
86	Introduced by Anderson et al: A Bill for an Act entitled: "An Act to amend Section 1999 of the	



No.	Title of Bill	Page
	Revised Codes of the State of Montana, 1935, relating to the classification of property for taxation." .....	308, 317, 572, 580, 590, 621, 628, 640, 661, 663.
87	Introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to amend Section 3277 of the Revised Codes of Montana, 1935, relating to the sale of and payment for carcasses of animals destroyed, and to authorize the Livestock Sanitary Board to cooperate with the United States Bureau of Animal Industry or other Federal agency in eradicating or controlling contagious communicable or dangerous diseases of livestock by adopting rules and regulations.".....	308, 317, 333, 336, 491, 495, 537.
88	Introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 6014.23 of the Revised Codes of Montana of 1935, relating to changing the number of directors of State Banks and Trust Companies and providing the method and procedure for making such change." .....	326, 328, 338, 491, 495, 549.
Sub. 90	Introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 6011 of the Revised Codes of Montana of 1935, relating to the winding up of the affairs of dissolved Corporations; defining the powers and duties of surviving directors as trustees of such corporation and of trustees appointed to succeed such directors as trustees of such corporations; providing that such trustees may sue and be sued; providing for the winding up of the affairs and the disposition of the property of a dissolved corporation; providing a procedure therefor; providing for actions to determine the ownership of the real estate of certain of such corporations and the form of decree in such actions and making other provisions germane to the general purpose of said Section.".....	343, 344, 534, 538, 553, 629.
91	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act amending Section 10376 of the Revised Codes of Montana, 1935, relating to the powers of Clerks of the District Courts to issue notices, orders, and hold hearings in probate and guardianship matters, and providing for the modification or setting aside of any notices or orders so made." .....	264, 265, 535, 538, 551, 620.
92	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2215.2 of the Revised Codes of Montana, 1935, being Section 2 of Chapter 176 of the Session Acts of the Twenty-third Legislative Assembly of Montana of	

No.	Title of Bill	Page
	1933 relating to tax deeds and providing the method and procedure to be followed in applying for a tax deed and for the issuance thereof by action in the District Court and outlining the essentials of a complaint in such proceedings and repealing all Acts and parts of Acts in conflict herewith.".....	264, 265, 548, 567, 577, 621, 658.
93	An Act to amend Section 2207 of the Revised Codes of Montana, 1935, authorizing the assignment by county treasurers of duplicate certificates of tax sale issued to counties on sales of property for taxes. ....	308, 547, 556, 560, 639.
94	Introduced by Waite et al: A Bill for an Act entitled: "An Act to amend Sections 721, 722, 723, 724, 725 and 729, and repealing Sections 728 and 730 of the Revised Codes of Montana, 1935, relating to marking and swearing to ballots by electors; disposition of marked ballot upon receipt by clerk; delivery of ballots to election judges; keeping record of ballots and issuing certificate by clerk; duties of election judges, relative to handling absent voters ballots relating to voting in person by elector on election day, relating to procedure when elector is present after marking ballot; repealing all Acts and parts of Acts in conflict herewith and providing said Act shall be in full force and effect from and after its passage and approval." .....	326, 328, 395, 513, 514, 518, 556.
95	Introduced by Stevens et al: A Bill for an Act entitled: "An Act to amend Sections 587, 590, 592, and 593 of Chapter 62 of the Revised Codes of Montana, 1935, relating to the appointment of judges and clerks of election; repealing Section 588 of Chapter 62, Revised Codes of Montana, 1935; providing for the appointment of a special Board of Election and designating their duties; repealing all Acts and parts of Acts in conflict therewith, and providing said Act shall be in full force from and after its approval." .....	326, 328, 366, 513, 514, 521, 620.
96	Introduced by Anderson et al: A Bill for an Act entitled: "An Act amending Section 2396.3 of the Revised Codes of Montana of 1935, providing for the determination and use of percentages of uncompleted mileage in highway districts in distributing the State Highway fund for construction purposes." .....	343, 344, 511, 514, 520, 579.
97	Introduced by Groff et al: A Bill for an Act entitled: "An Act to amend Sections 9443 and 9444 of the Revised Codes of the State of Montana of 1935, relating to the redemption of real property from execution sales; redemption money and computation of amount to be paid; providing who may	

No.	Title of Bill	Page
	be redemptioners thereof, and providing when the judgment debtor, or his wife, or redemptioner may redeem." .....	326, 328, 524, 526. 531, 565.
98	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act authorizing a Court or Judge to reduce the penalty of a bond previously given by an executor or administrator and providing for the filing of a new bond." .....	308, 333, 548, 556, 562, 629.
99	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 5039.74 of the Revised Codes of Montana, 1935, relating to the power of cities and towns to condemn property." .....	308, 334, 366, 491, 493, 549.
100	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 9664, 9680, 9632, 9633 and 9637 of the Revised Codes of Montana, 1935, relating to judgment when defendant fails to appear in Justice Court; judgment of dismissal entered in certain cases without prejudice; time for appearance; alias summons and fixing day for trial and repealing all Acts and parts of Acts in conflict herewith." .....	326, 328, 535.
101	Introduced by Arnold: A Bill for an Act entitled: "An Act to amend Section 654 of the Revised Codes of Montana, 1935, relating to the canvass of returns at primary elections." .....	401, 402, 415, 491, 493, 556.
103	Introduced by Committee on Roads and Highways: A Bill for an Act entitled: "An Act relating to the Montana Highway Patrol and amending Section 1741.4 to 1741.11 inclusive of the Revised Codes of Montana 1935, relating to the appointment of a Supervisor, his qualifications, term of office, salary and duties; the qualifications, appointment, term, salary and duties of Patrolmen and assistant Supervisors; equipment to be furnished for Patrolmen; defining and enumerating Acts constituting crimes pertaining to the use of highways and the operation of motor vehicles; prescribing penalties for violations; defining powers and authority of members of the Montana Highway Patrol and method of making arrests; fees of Justices of the Peace for the purpose of this Act; and state drivers' licenses; adding a new Section defining causes for dismissal, suspension, or demotion of members of the Highway Patrol and prescribing the manner for hearing charges against such members; and repealing all Acts and parts of Acts in conflict herewith." .....	479, 481, 528, 537, 545, 559, 620.

No.	Title of Bill	Page
104	Introduced by Benjamin, by request: A Bill for an Act entitled: "An Act amending Sections 3228.19, 3228.20, 3228.21 and 3228.29 of the Revised Codes of Montana, 1935; relating to sanitation of barber shops, barber schools, and barber colleges; defining the term "Barber Shop"; relating to the definition of the practice of barbering; relating to qualifications for certificate of registration, as registered barbers, apprentices, barber schools and barber colleges; relating to fees to be paid by barbers, students and apprentices." .....	479, 487, 512, 514, 521, 629.
107	Introduced by Pauline et al: A Bill for an Act entitled: "An Act to amend Section 182.1, Revised Codes of Montana, 1935, authoriznig the State Depository Board to permit the State Treasurer to invest surplus cash in his office in registered warrants of the State of Montana, and/or treasury certificates of the federal government, and prescribing for the keeping of a record of registered warrants and such certificates so purchased. Providing that the interest earned thereon be credited to the general fund of the State, and repealing all Acts and parts of Acts in conflict therewith." .....	343, 344, 351, 406, 431.
110	Introduced by Mann: A Bill for an Act entitled: "An Act to amend Section 10960 of the Revised Codes of Montana, 1935, relating to punishment for manslaughter." .....	343, 344, 548, 567, 575, 597, 631, 632, 634.
112	Introduced by Robson: A Bill for an Act entitled: "An Act to amend Section 12078 of the Revised Codes of the State of Montana of 1935, relating to the right of Courts to suspend sentence and to revoke such suspended sentence." .....	343, 344, 548, 556, 562, 636.
113	Introduced by Committee on State and County Economies: A Bill for an Act entitled: "An Act amending Section 4630.1, Revised Codes of Montana, 1935, relating to the purposes for which bonds may be issued by Boards of County Commissioners in the State of Montana by adding thereto two new subdivisions to be known as subdivision (h) and subdivision (i), providing that bonds may be issued for the purpose of funding, paying, compromising, settling and satisfying any judgment which may have been rendered against a county and authorizing county Commissioners in counties having indebtedness exceeding the Constitutional limitation to negotiate for and enter into agreements with bondholders whereby said bondholders agree to accept less than the amount of the outstanding bonds and interest thereon in full payment and satisfaction of the indebtedness evidenced by the bonds of the county and to issue	

No.	Title of Bill	Page
	refunding bonds for the amount agreed upon; amending Section 4630.3, Revised Codes of Montana, 1935, relating to the limitation on amount of county bonds which may be issued; amending Section 4630.4, Revised Codes of Montana, 1935, relating to the term, redemption and maximum interest rate of county bonds; amending Section 4630.6, Revised Codes of Montana, 1935, relating to the purposes for which county bonds may be issued without holding an election; repealing Chapter 6 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly relating to a method and procedure for refunding outstanding bonded indebtedness of certain counties, cities, towns or school districts in this State and all Acts and parts of Acts in conflict herewith." .....	479, 484, 525, 546, 567, 578, 621, 628, 640, 661, 666.
115	Introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 568 of the Revised Codes of Montana, 1935, relating to the duties of the County Clerk in preparing precinct registers for the use of clerks and judges of election; providing for the arrangement of precinct registers; the information necessary in precinct registers; to whom precinct registers are to be delivered and providing for the combining of precinct registers in municipal elections or in elections in School District; providing for the omission of names in precinct registers; providing when precinct registers shall not be prepared for cities and repealing all Acts and parts of Acts in conflict herewith and providing said Act shall be in full force and effect from and after its passage and approval." .....	401, 402, 415, 491, 513, 514, 519, 549.
116	Introduced by Committee on Relief and Social Welfare: A Bill for an Act entitled: "An Act creating and establishing a Department of Public Welfare and providing for a State and County Boards of Public Welfare and for Officers and Employees thereof; defining the powers and duties of such Department, Boards and Officers; making more adequate provision for the care of needy aged persons, dependent, crippled and delinquent children and children in danger of becoming delinquent and for the care of needy blind persons; providing for the supervision of all forms of public assistance and state activities in connection therewith; the granting of licenses to certain charitable institutions; providing for the raising of revenue for the purposes of this Act; providing for the cooperation of the State Department of Public Welfare with other State and Federal Agencies; providing for the administration of all funds appropriated by the State of Montana or made available to the	



No.	Title of Bill	Page
	State of Montana by Congress or by order of the Executive Department of the United States, and repealing Sections 325, 326, 327, 328, 333, 334, 335, 335.1 to 335.17 inclusive, 335.18 to 335.45, inclusive, 336 to 341, 344 to 347, inclusive, 2512 to 2514, inclusive, and 10480 to 10487, inclusive, Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict with the provisions of this Act." .....	479, 486, 492.
117	Introduced by Ecton: A Bill for an Act entitled: "An Act granting continual existence to corporations and water users' associations organized for the purpose of acquiring and owning water rights and constructing, maintaining and operating canals, ditches, flumes and other works for conveying water, and reservoirs for storing the same." .....	479, 485, 524, 526, 531, 579.
118	Introduced by Committee on Irrigation and Water Rights: A Bill for an Act entitled: "An Act to authorize the State Water Conservation Board to construct irrigation works across streams of water, watercourse, streets, avenues, highways, railways, canals, ditches or flumes." .....	401, 402, 412, 491, 493.
119	Introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act requiring conformity in interest payments on county, city and town funds with Acts of Congress of the United States and regulations of fiscal agencies of the United States." .....	401, 402, 412, 491, 493, 549.
123	Introduced by Armstrong: A Bill for an Act entitled: "An Act to amend Section 681 of the Revised Codes of Montana, 1935, relating to the form, color and size of ballot, and Section 682 of the Revised Codes of Montana, 1935, relating to ballot indicating party or principal, selection of same and how made in case of double nomination; providing by such amendments: for a shorter ballot to be used in general elections held within the State; providing that all candidates for each office shall be printed on the ballot in one group under the designation of such office, and that the candidates of major political parties shall be arranged above other candidates; and providing that the political designation of each candidate shall appear after such candidate's name on such ballot." .....	479, 484, 547, 556, 561, 658.
124	Introduced by Committee on New Counties and Divisions: A Bill for an Act entitled: "An Act providing for the abandonment and abolishment of counties and for attaching the territory of abandoned and abolished counties to adjoining counties, upon vote of the electors of such counties and the procedure therefor; providing that the	

No.	Title of Bill	Page
	terms of office of members of Boards of County Commissioners, Officers of such counties, and Representatives and Senators of such counties in the Legislative Assembly of the State of Montana shall cease and terminate upon the abandonment and the abolishment of counties; providing for the payment of the indebtedness of such counties and for tax levies for such purposes; and providing for the disposition of the moneys, credits and property owned by abandoned and abolished counties." .....	479, 482, 536, 538, 553, 658.
125	Introduced by Weinschrott et al: A Bill for an Act entitled: "An Act to provide for the conservation, protection, improvement and profitable use of the agricultural resources of the State of Montana; to provide for the cooperation and coordination by the state and the governmental units of the United States; pursuant to the provisions of an Act of Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said Act to create, designate, authorize and constitute the Montana Agricultural Conservation Board as the state agency of Montana to formulate, submit to the Secretary of Agriculture of the United States or other designated federal Agency and to aid, carry out and administer state-wide plans to effectuate the object, purposes and benefits of the provisions of this Act and to create and define the powers and duties of the said Montana Agricultural Conservation Board as such state agency."	425, 426, 478, 514, 516, 526, 533, 549, 566, 570, 663.
126	"An Act to amend Section 1008 of the Revised Codes of Montana, 1935, relating to the power of school trustees over all school property." .....	401, 511, 514, 521, 556.
127	Introduced by Swertelle et al: A Bill for an Act entitled: "An Act providing for the greater security for the payment of salaries and wages by employers engaged in the business of extracting, or extracting and refining or reducing metals and minerals or mining for coal or drilling for oil, except such employers who have a free and unencumbered title to the fee of the property being worked." .....	479, 528, 538, 553, 629.
128	Introduced by Mann et al: A Bill for an Act entitled: "An Act to amend Sections 3324 and 3327 of the Revised Codes of Montana, 1935, relating to inspection of livestock on removal from county to county and amending Chapter 288 of the Political Code of the Revised Codes of Montana, 1935,	

No.	Title of Bill	Page
	by adding a new Section to be known as Section 3326.1 relating to fees for inspection of livestock."	479, 528, 537, 543, 620.
129	Introduced by Harlen: A Bill for an Act entitled: "An Act to amend Section 2815.77 of the Revised Codes of Montana, 1935, as amended by Substitute Senate Bill No. 4, of the Acts of the Twenty-fifth Legislative Assembly, 1937, relating to permits for residents and temporary residents, special permits—fees and refunds to permittees and repealing all Acts and parts of Acts in conflict herewith."	425, 426, 511, 514, 520, 556.
130	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 3241.1 of the Revised Codes of Montana, 1935, being an Act to regulate the practice of the profession of public accounting or auditing, providing for the qualifications and examination and admission of applicants and the issuance of certificates thereto."	401, 402, 565, 580, 589, 639.
132	Introduced by Angvick: A Bill for an Act entitled: "An Act to amend Section 4749.7 of the Revised Codes of Montana, 1935, relating to the salary and bond of officers upon consolidation of two or more county offices; providing for the appointment of deputies of officers of a consolidated office; providing that the County Commissioners shall determine the number of deputies."	479, 487, 516, 526, 530, 579.
133	Introduced by Sullivan (Jefferson): A Bill for an Act entitled: "An Act to amend Section 2214.2 of the Revised Codes of Montana, 1935, relating to legalizing and validating tax deeds heretofore issued notwithstanding any error in the form, substance or amounts stated in notice of application for tax deed unless the amount actually due for taxes, interest and penalty has been tendered to the holder of the tax deed or County Treasurer before the approval of this Act."	401, 402, 547, 556, 561, 636.
135	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to make uniform the law on close pursuit and authorizing this State to cooperate with other states therein."	384, 386, 535, 538, 550, 620.
136	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to secure the attendance of witnesses from without the state in criminal proceedings."	384, 386, 535, 538, 550, 620.
137	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act providing that the State	

No.	Title of Bill	Page
	of Montana may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole." .....	384, 386, 524, 526, 536, 541, 620.
138	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 678 of the Revised Codes of Montana, 1935, relating to the preparation and form of the printing of ballots on elections and to repeal all Laws in conflict therewith." .....	401, 402, 415, 491, 494, 556.
139	Introduced by Keeley: A Bill for an Act entitled: "An Act to amend Section 5766 of the Revised Codes of Montana of 1935, relating to the period of residence required to entitle plaintiff to divorce." .....	479, 482, 492, 512, 536.
140	Introduced by Meyer: A Bill for an Act entitled: "An Act to amend Section 293.10 of the Revised Codes of the State of Montana of 1935, relating to the governing of the State Purchasing Department and the manner of purchasing supplies and allowing purchase of Montana produced or manufactured products or purchase from Montana dealers under certain conditions and allowing a differential in price to be paid therefor, not to exceed five per centum (5%)." .....	479, 487, 511, 514, 525, 532, 549, 565.
141	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to make uniform the procedure on interstate extradition." .....	479, 485, 524, 526, 537, 541, 620.
143	Introduced by Kathan: A bill for an Act entitled: "An Act to amend Sections 5278.1 and 5278.6 of the Revised Codes of Montana, 1935, providing for the creation of indebtedness by cities and towns and the submission thereof to the electors." .....	479, 482, 546, 556, 560, 639.
145	Introduced by Kroman et al: A Bill for an Act entitled: "An Act to amend Sections 2429.17 and 2429.21 of the Revised Codes of Montana, 1935, relating to itinerant vendors' license and fixing the amount of such license and providing a penalty for failure to exhibit same." .....	479, 480, 529, 537, 545, 620.
Sub. 146	Introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to regulate the slaughtering of cattle and horses and the selling of meat and by-products thereof; defining and providing for the licensing of butchers, meat peddlers and hide buyers; for the inspection of hides and meats; for the bonding of hide buy-	

No.	Title of Bill	Page
	ers; for the issuing and recording of certificates of inspection; authorizing the livestock Commission of Montana to make rules and regulations for the enforcement of this Act; and providing penalties for the violations of this Act, and repealing all Acts and parts of Acts in conflict herewith.".....	479, 480, 549.
148	Introduced by Oliver: A Bill for an Act entitled: "An Act legalizing and validating elections heretofore held in any county to authorize the issuance of bonds for a high school building and dormitory under Chapter 117, Revised Codes of Montana, 1935, and all proceedings relating to the issuance of such bonds." .....	425, 426, 547, 556, 561, 644.
150	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act giving Mike Oreskovich permission to institute and prosecute an action in a District Court of the State of Montana against the State of Montana to determine whether the said Mike Oreskovich sustained injuries and damages as the result of an accident that occurred on or about the 19th day of December, 1932, on U. S. Highway No. 10, in Silver Bow County, Montana, and whether said accident was proximately caused by the carelessness and negligence of the State of Montana, acting by and through its State Highway Commission, and if so, to determine the amount of damages resultant to the said Mike Oreskovich therefrom, and providing further that service of summons in such action be made and had upon the Attorney General of the State of Montana." .....	479, 483, 540, 545, 555, 629.
151	Introduced by Judiciary: A Bill for an Act entitled: "An Act giving Manda Ugarkovich as surviving widow of John Ugarkovich or the personal Representative or personal Representatives of John Ugarkovich permission to institute and prosecute an action in a District Court of the State of Montana, against the State of Montana to determine whether the said John Ugarkovich met his death as the result of injuries sustained in an accident that occurred on or about December 19, 1932, on U. S. Highway No. 10, in Silver Bow County, Montana and whether said accident was proximately caused by the carelessness and negligence of the State of Montana acting by and through its State Highway Commission, and if so to determine the resultant damages therefrom, and providing further that service or summons in such action shall be made and had upon the Attorney General of the State of Montana." .....	479, 486, 539, 545, 555, 636.
152	Introduced by Kroman: A Bill for an Act entitled: "An Act relating to powers of irrigation districts and the Commissioners thereof, and authorizing	



No.	Title of Bill	Page
	such districts to convey, assign, transfer, and set over to the State Water Conservation Board or other persons its property including water rights, rights of way, and easements for reservoirs, canals, ditches, laterals, and headgates for the purpose of this Act." .....	479, 485, 515, 526, 530, 620.
153	Introduced by Kroman: A Bill for an Act entitled: "An Act to amend Section 4613.4 Revised Codes of Montana, 1935, relating to County Budgets; providing for hearings thereon, the manner in which appropriations contained therein shall be made and the amounts thereof determined, the time and manner of final adoption, the time and manner for fixing tax levies, requiring copies thereof to be filed with the state examiner and fixing a penalty for failure to so file copies." .....	479, 480, 523, 537, 542, 559, 620.
154	Introduced by Kroman: A Bill for an Act entitled: "An Act to amend Section 5729 and 5730 of the Revised Codes of Montana 1935, relating to causes for annulling a marriage, actions therefor, and when and by whom commenced." .....	479, 482, 548, 556, 562, 639, 658.
Sen. Sub. for H.B. 154	Introduced by Committee on Relief and Social Welfare: A Bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political sub-divisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works." .....	479, 513, 547, 567, 569, 584, 594, 595.
155	Introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 693 of the Revised Codes of Montana, 1935, relating to conducting elections; providing who is permitted inside election rail; prohibiting electioneering on election Day within 25 feet of polling place, naming peace officers whose duty it is to prevent obstruction to polling place; providing manner in which elector shall receive his ballot—vote—and dispose of voted ballot." .....	479, 485, 547.
156	Introduced by Committee on Election and Privileges: A Bill for an Act entitled: "An Act to amend Section 700 of the Revised Codes of Montana, 1935, relating to conducting elections; who may put ballots into ballot box; providing penalty for violation of this Act." .....	479, 485, 548, 567, 577, 621, 628, 656, 666.

No.	Title of Bill	Page
157	Introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 774 of the Revised Codes of Montana, 1935, relating to election returns; canvass to be public and without adjournment; only Judges and Clerks of election allowed within ten feet of where ballots are being counted; penalty for violation of this Act." .....	479, 483, 547.
158	Introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 782 of the Revised Codes of Montana, 1935, relating to the election returns; providing the manner in which election returns shall be made by the Judges; providing for the selection of one Judge to deliver duplicate election returns to the Clerk of the District Court, and to repeal Section 783 of the Revised Codes of Montana, 1935, also relating to election returns." .....	479, 484, 547, 556, 560, 636.
160	Introduced by Campbell: A Bill for an Act entitled: "An Act to create a Legislative Reference Bureau, and to provide for its functions, operations and maintenance; providing for a Board of Trustees of such Bureau and the appointment of a Director and a Librarian, and for the employment of necessary assistants from time to time, and fixing the compensation of such employees, and providing an appropriation therefor, and to repeal Section 1568 of the Revised Codes of Montana, 1935." .....	479, 480, 535, 621.
161	Introduced by Committee on State Boards and Offices: A Bill for an Act entitled: "An Act to amend Section 2815.13 Revised Codes, Montana, 1935, relating to the manufacture, sale and transportation of beer and the definition and content thereof; and Section 2815.52 Revised Codes, Montana, 1935, relating to sale of beer by the State Board of Liquor Control." .....	479, 482, 511, 514, 518, 556.
164	Introduced by Angvick et al: A Bill for an Act entitled: "An Act to amend Section 3594 and 3599 of the Revised Codes of Montana 1935, relating to the labeling of agricultural seed and having seeds tested for the purpose of labeling." .....	479, 484, 528, 537, 544, 620.
165	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act providing for the placing an arrangement of the "Judicial Ballot" upon the ballot used at every General Election and repealing all Acts and parts of Acts in conflict herewith." .....	479, 483, 548, 556, 567, 574, 639.
171	Introduced by the Committee on Sanitary Affairs: A Bill for an Act entitled: "An Act to prevent	

No.	Title of Bill	Page
	the manufacture, sale or distribution of adulterated or misbranded cosmetics and to regulate traffic therein in the State of Montana; to prohibit the sale of poisonous, injurious or detrimental cosmetics; to provide for the registration, inspection and analysis, and the collection of registration fees from manufacturers or dealers in cosmetics; to authorize the expenditure of funds derived from registration fees; to fix penalties for the violation of the provisions of the Act; and to repeal all other Acts or parts of Acts inconsistent herewith." .....	479, 486, 512.
172	Introduced by Plank et al: A Bill for an Act entitled: "An Act creating a State Department to be designated the Department of Public Works and creating a Public Works Commission; providing for the appointment of the Director of Public Works and the Public Works Commissioners; providing for meetings of the Public Works Commission and for delegation of authority; prescribing the duties, powers, purposes, responsibilities, and jurisdiction of said Department and for the succession to and administration by said Department of all the duties, powers, purposes, responsibilities, and jurisdiction now vested in the State Highway Commission and the State Highway Commissioner, the State Water Conservation Board, and the State Planning Board; abolishing the offices of State Highway Commission and State Highway Commissioner, State Water Conservation Board, and State Planning Board, and transferring to the Department of Public Works all real and personal property, records, equipment, supplies, funds, and other property of every nature; providing for the organization and functioning of the Department of Public Works; providing for the compensation, hiring and discharging of agents and employees of said Department; providing for the validation and continuation in effect of all existing contracts and agreements; deeming and declaring this Act an emergency measure; defining the construction to be placed upon this Act; and repealing all Acts and parts of Acts in conflict herewith." .....	479, 486, 568, 580, 590, 621, 639.
174	Introduced by Simmons et al: A Bill for an Act entitled: "An Act to amend Section 2433.6 of the Revised Codes of Montana of 1935 relating to investigation of applicant and granting of license—renewals—fees, and repealing all Acts and parts of Acts in conflict herewith." .....	479, 482, 535, 550, 558, 579, 593, 594, 639.
175	Introduced by Anderson et al: A Bill for an Act entitled: "An Act to amend Section 1783 of the Revised Codes of Montana of 1935 relating to State Highway Commission—creation—salary—	

No.	Title of Bill	Page
	bond—term of office, and repealing all Acts and parts of Acts in conflict herewith.” .....	479, 482, 571, 593.
176	Introduced by Judiciary Committee: A Bill for an Act entitled: “An Act declaring “Constitution Day” to be a legal holiday within the State and providing that appropriate exercises shall be conducted in the educational institutions including the public schools in commemoration of such Day.” .....	479, 480, 511, 526, 530, 549, 556.
177	Introduced by Smith: A Bill for an Act entitled: “An Act to amend Section 9894 of the Revised Codes of the State of Montana of 1935, relating to the complaint in forcible entry and detainer actions and, providing, by such amendment that a copy of the complaint must be served with the summons, and to amend Chapter 98 of the Code of Civil Procedure of the Revised Codes of Montana of 1935 by adding thereto a new Section to be known as Section 9894.1 and, providing, that where the unlawful detainer charged be after default in the payment of rent that the District Court shall order the defendant to show cause why he should not be enjoined from further occupation of the premises; providing, for notice to the defendant of such order; and, providing, for an injunction upon a proper showing at the hearing; and, providing, for a writ of eviction.” .....	479, 483, 524, 526, 531, 541, 549, 550, 556, 563, 658.
178	Introduced by Cooper: An Act entitled: “An Act regulating dealers engaged in buying, selling hay; providing licenses, amount thereof; providing for bonds and amount thereof; providing for inspection; providing for repeal of Sections 4230 and 3608.1 Revised Codes of Montana, 1935, and all Acts and parts of Acts in conflict herewith.” .....	479, 486, 549, 567, 576, 639.
Sub. 182	Introduced by Committee on Insurance: A Bill for an Act entitled: “An Act to administer unexpired insurance contracts and policies issued or entered into under the State Insurance Act; to equitably adjust said policies and contracts; to provide for the refund of excessive charges on policies to the State of Montana and its political subdivisions; providing for the cancellation or adjustment of the present reinsurance contract; providing for the manner whereby a reinsurance contract may be entered into and the administration thereof; providing for the refund of the premiums on policies during the time such policies were declared invalidated; providing for the creation of a fund and the disposition thereof and the participation of the State of Montana and its political subdivisions in such fund.” .....	479, 480, 572, 593, 594.

No.	Title of Bill	Page
184	Introduced by Sullivan of Jefferson: A Bill for an Act entitled: "An Act making the throwing, dropping or placing of a lighted cigarette or cigarette stub or cigar or cigar stub or lighted matches on the floor or furnishing of any public building, hotel, boarding house or rooming house a misdemeanor and providing penalty.".....	479, 483, 512, 526.
185	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 9118 of the Revised Codes of the State of Montana, of 1935, relating to the manner of publication of summons." .....	479, 482, 524.
186	Introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Sections 3745, 3746, 3747, 3748, 3749, and 3750 of Chapter 308 of the Revised Codes of Montana, 1935, pertaining to the definition of a hunting and fishing guide the licensing and duties thereof.".....	479, 481, 511, 514, 520.
187	Introduced by Sullivan of Jefferson County: A Bill for an Act entitled: "An Act to amend Section 2214.2 of the Revised Codes of Montana, 1935, relating to legalizing and validating tax deeds heretofore issued notwithstanding any error in the form, substance or amounts stated in notice of application for tax deed." .....	479, 485, 565, 580, 588, 621, 652, 662.
188	Introduced by Committee on Agriculture: A Bill for an Act entitled: "An Act authorizing the Montana Rural Rehabilitation Corporation to bargain, sell, convey, transfer or assign any or all of its assets and property to the United States of America under certain conditions; authorizing the said Corporation to permit and empower the Secretary of Agriculture or his successors, exclusively to manage and direct the affairs of the said Corporation, and ratifying certain Acts of the said Corporation." .....	479, 485, 528, 537, 544, 620.
189	Introduced by Committee on Counties and Towns: A Bill for an Act entitled: "An Act to require all persons who may intend to redeem property held by any of the counties of the state either under tax certificates or tax deeds, under provisions of any law heretofore, or at the present session of the Legislative Assembly enacted, to give notice of their intention to redeem any such property." .....	479, 529, 537.
190	Introduced by Committee on Counties and Towns: A Bill for an Act entitled: "An Act to amend Section 4613.6 Revised Codes of Montana, 1935, relating to county budgets; providing for emergency budgets and appropriations, for hearings	



No.	Title of Bill	Page
	thereon, for the issuance and payment of emergency warrants, making officers and their bondsmen liable for expenditures made in excess of budget appropriations and fixing the time when budget appropriations will lapse." .....	479, 481, 546.
191	Introduced by Committee on Taxation: A Bill for an Act entitled: "An Act to create a tax investigation Commission and prescribing its duties and powers." .....	479, 483, 547, 571, 593.
193	Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 12543, Revised Codes of Montana, 1935, relating to rescues, attempts to rescue and permitting inmates of the vocational school for girls to escape, making same a crime and fixing the punishment for such crime, and repealing all Acts or Parts of Acts in conflict herewith." .....	479, 485, 535, 538, 555, 629.
194	Introduced by Federal Relations Committee: A Bill for an Act entitled: "An Act to amend Section 2778.2 of the Revised Codes of Montana, 1935, relating to liability for extinguishment of forest fires, providing exceptions thereto and repealing all Acts and Parts of Acts in conflict herewith." .....	479, 483, 528, 537, 543, 550, 554, 558, 559, 639.
195	Introduced by Committee on Insurance: A Bill for an Act entitled: "An Act providing for the creation of a separate department of insurance and prescribing its powers and duties, providing for examination of insurance and surety companies; publication of examination; granting and revocation of licenses; prescribing penalties for the violation; repealing Sections 162 to 173.1 inclusive of the Revised Codes of Montana, 1935, and repealing all Acts and Parts of Acts in conflict herewith." .....	479, 481, 572, 593, 663.

No.	Title	Page
<b>SENATE JOINT MEMORIALS</b>		
2	Introduced by Hammond et al: A Memorial to the Congress of the United States urging the prompt enactment of legislation to provide the necessary plans and funds to furnish adequate seed-grain supplies to the needy farmers of the State of Montana. ....	47, 48, 50, 70, 76, 120.
3	Introduced by Baker of Dawson et al: A Memorial developing the Buffalo Rapids Project for the purpose of irrigating lands with water diverted from the Yellowstone River in the Counties of Dawson, Prairie and Custer, and further providing the stabilization of farming and stockgrowing industry. ....	135, 190, 208, 268, 439.
4	Introduced by Starks et al: A Resolution memorializing the Congress of the United States: endorsing the passage and approval of the Bill introduced by the Honorable Mr. Burdick, United States Congressman, providing for the cancellation of certain feed and seed loans heretofore made by the United States Government, and providing for an appropriation therefor under the Provisions of the War Department Appropriation Bill. ....	237, 257, 284, 289, 439.
5	Introduced by Robson: A Joint Memorial to the Congress of the United States requesting the enactment of appropriate legislation for the creation of the Fort Peck Power Authority. ....	308, 317, 353, 491, 523, 620.
6	Introduced by Committee on Agriculture: A Joint Memorial to the Congress of the United States requesting the enactment into law the "Normal-Granary and Crop Insurance Program.".....	425, 426, 478, 491, 514, 522.
7	Introduced by Committee on Agriculture: A Resolution memorializing the Congress of the United States; providing for extending the time of the present interest rate on all Federal Farm Loans....	425, 426, 479, 514, 522, 620.
8	Introduced by Committee on Agriculture: A Memorial to the Congress of the United States, the Secretary of Agriculture, and the Director of Budgets requesting the necessary appropriation for the continued operation of the dry land demonstration stations at Moccasin and Huntley, Montana. ....	479, 481, 524, 533, 620.

No.	Title	Page
9	Introduced by Baker of Dawson County: A Resolution memorializing the Congress of the United States to enact legislation designating the 11th day of November (Armistice Day) a National Holiday. ....	479, 481, 528, 537, 544, 565.
10	Introduced by Senate Committee on Relief and Social Welfare: A Resolution memorializing the Congress of the United States for the appropriation of funds to provide for the immediate resumption of work projects under the Works Progress Administration in order to provide labor for the needy in drought stricken areas.....	566, 579.
SENATE JOINT RESOLUTIONS		
1	Introduced by Meyer et al: A joint resolution providing for the employment of additional help during the Twenty-fifth Legislative Session of the State of Montana. ....	83, 84, 99, 104, 105, 127.
Sub. 3	Introduced by Committee on Employment of the Senate: A Joint Resolution declaring an emergency to exist and providing for compensation and additional help during the Twenty-fifth Legislative Assembly of the State of Montana, pursuant to Section 77, Revised Codes of Montana 1935, relative to the appointment of additional help in the Senate and House of Representatives...	52, 58.
4	Introduced by the Committee on Stockgrowing and Grazing: A Resolution opposing change of Laws governing importation of livestock from Argentine. ....	57, 69, 84, 127.
5	Introduced by Ecton: Expressing assent of the Legislature of the State of Montana to the provisions and purpose of the Bankhead-Jones Act of June 29, 1935 (Public No. 182—74th Congress). ....	104, 105, 124, 132, 136, 190.
6	Introduced by Committee on Compensation: A Resolution requesting the Governor of the State of Montana to appoint a Commission to make a study of occupational diseases and particularly silicosis in the State of Montana, and to make recommendations to the Twenty-sixth Legislative Assembly at its session in 1939, of Legislation relating thereto. ....	326, 329, 337, 342, 380, 523, 549, 556, 566, 571, 658.
7	Introduced by Committee on Insurance: A Joint Resolution to provide for the appointment of a joint committee to conduct an investigation into	

No.	Title	Page
	the methods and practices of the State Auditor and the ex-officio Commissioner of Insurance to determine the standing and report the administration of the State Insurance Law, and the handling of policies under such Act, and of the State Board of Examiners as to the insurance on State property and to investigate the reinsurance contract and authorizing said committee to hold hearings, subpoena witnesses, take testimony, and report its findings to the Senate and the House of Representatives." .....	251, 252, 259, 260, 261, 262, 285, 308, 333, 592, 601.
8	Introduced by Committee on Aviation: A Joint Resolution selecting and designating a State song for the State of Montana. ....	479, 485, 515, 526, 530.
9	Introduced by Committee on Stock Growing and Grazing: A Resolution requesting the Department of Agriculture to invoke certain rules and regulations under which the marketing agencies and dealers operate. ....	479, 483, 528, 537, 543, 565.





# HOUSE JOURNAL

of the

## Twenty-fifth Legislative Assembly

of the

### State of Montana

---

#### FIRST DAY

House of Representatives,  
Helena, Montana,  
January 4th, 1937.

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 o'clock noon, the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana, was called to order by the Honorable Sam W. Mitchell, Secretary of State of the State of Montana.

The Secretary of State then appointed W. L. Cain of Custer County as Temporary Sergeant-at-arms, John J. Jewell of Judith Basin County, Temporary Chief Clerk, Hilda Richeson of Carbon County, Temporary Journal Clerk and Joe Haffey and Gilbert McMullen, Temporary pages.

Certificates of election were presented. There were several members present who did not have their certificates of election so the Secretary of State ruled that all members take the oath and turn in their certificates to the Clerk later.

The Honorable Claude F. Morris, Associate Justice, having been introduced by the Secretary of State, administered the following oath:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives of the Legislative Assembly of the State of Montana, with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; and I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, SO HELP ME GOD."

Thereupon the following members, having presented their certificate of election subscribed to the foregoing oath:

Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson, (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshmah, Goodwin, Green, Haight, Hamilton,

Hardcastle, Haugen, Heavlin, Heddin, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Rolph, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. All present.

The Secretary of State, having called for nominations for Speaker, Spiegel of Silver Bow nominated H. D. Rolph of Liberty County and Padbury of Lewis and Clark nominated Albert Kruse of Garfield and said nominations were duly seconded. There being no other nominations for Speaker the Secretary of State declared the nominations closed. The roll was called and the following votes were cast for Rolph:

Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Heddin, Hess, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 80.

The following votes were cast for Kruse:

Anderson (Phillips), Chamberlain, D'Ewart, Eggenberger, Green, Haugan, Hoiness, Kelson, Lasby, Longenecker, Lovell, Mungas, O'Connor, Padbury, Parker, Reed, Rolph, Scofield, Smith, Toomey. Total 20.

Absent and not voting: Trandum, Miles. Total 2.

The Secretary of State appointed Spiegel of Silver Bow and Lovell of Deer Lodge to escort the Speaker to the Chair.

The Speaker having assumed the chair, it was moved by Spiegel, duly seconded and carried, that the Rules, Joint Rules and Order of Business of the Twenty-fourth Legislative Assembly be adopted as the Rules, Joint Rules and Order of Business of the Twenty-fifth Legislative Assembly, until the Committee on Rules, Joint Rules and Order of Business shall report.

It was moved by Spiegel and duly seconded, that the following Democratic nominees be elected as officers and attaches of the House of the Twenty-fifth Legislative Assembly:

Speaker Pro Tem .....	George Monahan
Floor Leader .....	Sam Spiegel
Chaplain .....	Reverend J. N. Maclean
Sergeant-at-arms .....	Wm. S. Cain
Chief Clerk .....	John J. Jewell
Journal Clerk .....	Hilda Richeson

It was moved by Kruse, duly seconded, that the following Republican nominees be elected as officers of the House of the Twenty-fifth Legislative Assembly:

Speaker Pro Tem .....	Padbury of Lewis and Clark
Floor Leader .....	Lovell of Deer Lodge
Chaplain .....	Reverend Pippy

It was moved by Spiegel that the Chief Clerk be instructed to cast 80 votes for the Democratic nominees and 20 votes for the Republican nominees. Motion duly seconded and carried. Vote was so cast and the Speaker declared the Democratic officers and attaches elected.

It was moved by Spiegel, duly seconded and carried, that a committee of three members be appointed to notify his Excellency, the Governor, that the House is now organized and ready to receive any message he wishes to convey and also to ascertain the time set for the message.

The Speaker appointed the committee as follows: Metlen of Beaverhead, Goodwin of Silver Bow and Green of Dawson.

It was moved by Spiegel, duly seconded and carried, that a committee of three members be appointed to notify the Honorable Senate that the House is organized and ready for business. The Speaker appointed the committee as follows: Haight of Fergus, Minette of Glacier and Kruse of Garfield.

It was moved by Spiegel, duly seconded and carried, that the Speaker be authorized to appoint a clerk and page to assist him in the duties of the House and that the Majority Floor Leader be authorized to appoint a clerk to assist him in his duties in the House.

It was moved by Spiegel, duly seconded and carried, that the Committee on Employment appoint a clerk to assist the Minority Floor Leader in his duties in the House.

The Speaker announced the appointment of the following committees:

Employment: Brennan of Richland, Chairman; Mulholland of Silver Bow, Vice Chairman; Manning of Treasure, McLeod of Cascade, Cusick of Flathead, Finnegan of Deer Lodge and Anderson of Phillips.

Mileage and Per Diem: Whaley of Prairie, Peterson of Pondera and Lasby of Broadwater.

The Committee appointed to notify the Senate that the House was organized, reported that they had so notified the Honorable Senate.

The Committee appointed to notify his Excellency, the Governor, that the House was organized, reported that at 7:30 o'clock P. M., today, January 4th, 1937, the Governor will deliver his message to the Joint Session of the House and Senate.

A committee from the Senate reported that the Honorable Senate was organized and ready for business.

Members of the House were requested to file their preferences for Committee appointments with the Speaker at the earliest possible moment, selecting not less than three nor more than five committees.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Masterson: A Bill for an Act Entitled: "An Act for the submission to the qualified Electors of the State of Montana, an amendment to Section 2, of Article 12, of the Constitution of the State of Montana, relating to the exemption of property from taxation and authorizing the Legislature to exempt property used for residential purposes, in an amount of not to exceed twenty-five hundred (\$2500.00) dollars of the value thereof."

### MOTIONS AND RESOLUTIONS

It was moved by Metlen, duly seconded and carried, that a committee be appointed by the Speaker to extend an invitation to the Supreme Court

to attend the Joint Session of the House and Senate to listen to the Governor's Message. Whereupon the Speaker appointed Hamilton of Phillips, Mulholland of Silver Bow and Toomey of Lewis and Clark.

It was moved by Metlen, duly seconded and carried, that a general invitation be extended to the elective officers of the State of Montana.

It was moved by Spiegel, duly seconded and carried, that the House recess until 7:00 o'clock P. M.

#### EVENING SESSION

House resumed at 7:00 o'clock P. M. Mr. Speaker in the Chair.

It was moved by Spiegel that the Sergeant-at-Arms notify the Honorable Senate that the House was awaiting its presence in the Chambers of the House to hear the Governor's message.

A committee from the Senate advised that the Senate was ready to go into Joint Session.

President of the Senate in the Chair. The Joint Session was called to order.

The Secretary of the Senate called the roll of the Senate. The Chief Clerk of the House called the roll of the House. A quorum of both Houses being present, the Joint Session convened.

It was moved by Senator Plank of Liberty County, duly seconded and carried, that a committee of five be appointed to inform his Excellency, the Governor, that the members of the Senate and the House were in Joint Session and ready to hear his message. Thereupon the President of the Senate appointed Senators Sullivan of Chouteau and Stevens of Wheatland and Representatives Hamilton of Phillips, Haight of Fergus and Kruse of Garfield as such committee.

His Excellency, Governor Roy E. Ayers, then appeared and on being escorted to the Chief Clerk's desk, was introduced by President Hugh Adair of the Senate and delivered the following message to the members of the Senate and House:

Mr. President, Mr. Speaker, Members of the Senate and House of Representatives:

We are assembled here this evening as the first act in the performance of heavy duties which the electorate of the state has placed in our hands. I am sure that we all share equally a sense of the profound responsibility which is ours upon this occasion.

The constitution provides that the governor shall, at the beginning of each legislative session, report to you on the condition of the state. Upon this and such other information as you may possess or acquire during the course of your duties here, you, in turn, are expected to make such alterations or additions as, in your judgment, are required for the better government of the people and progress of the state. As we approach our respective tasks, it is fitting and proper that we pause to survey the ground already covered and attempt to chart the course which we expect to follow.

It is needless to recall the scenes of the depression through which we have been passing, nor the disasters left in the wake of succeeding and unprecedented drouths. The former closed our banks, shops, mills, mines, smelters, refineries and destroyed our industrial and agricultural markets. It left great numbers of our workers without employment and caused almost every conceivable character of hardship and suffering. The latter brought ruin to a large percentage of our farmers and livestock men and adversely affected the fortunes of everyone. The effects of the



depression are rapidly disappearing. Industry has recovered to within 7 per cent of the peak attained in 1929. Labor, with the help of the national government, is constantly improving its position; however, both industry and the worker need and must have every available aid that can be rendered them without adding to the burdens of other groups of our citizenship. For agriculture, every effort must be exerted for the rehabilitation of farm and ranch, since it is axiomatic that upon this fundamental industry depends the welfare of our country and our state.

I know you will not consider it a mere pleasantry when I say that I am sincerely happy to greet you and that I look forward confidently to working with you in a spirit of friendly, useful and genuine cooperation during the next 60 days. I entertain the highest hope that we shall faithfully and successfully discharge the trust reposed in us by the people of our state.

Our respective assignments are not easy ones and we must proceed with full appreciation of the seriousness of our duties. While primarily you are chosen to represent your respective counties, yet, in the broader sense, you are commissioned to a higher duty, that of representing the whole people of the state. With these thoughts uppermost in our minds, let us approach our responsibilities.

I desire most particularly to stress the importance, indeed, the necessity of taking such measure as may prove practical and effective for reductions in the operation of our state government to the end that the crushing burden of taxation, which rests upon the backs of our people of our state, may be lightened. The steadily increasing cost of government is becoming a matter of acute and justifiable concern in this country. It is becoming a barrier in the pathway of progress and a positive menace to the happiness and prosperity of the populace. It bears with comparable force upon the rich and poor alike. It robs the farmer of his land, the toiler of his saving and the business man of just profit. It is the means whereby the hateful institution of bureaucracy expands and grows in power until it becomes a menace to the liberties of the people.

By way of illustration of this point, I direct your attention to the alarming increase in the number of people employed in the regularly established departments, boards and commissions of our state government during the past four years and the cost of maintaining these additional positions. I recognize that extraordinary conditions have called for extraordinary expenditures; but disregarding these factors, there remain additions to personnel and payrolls, which in my judgment, are not required for the efficient operation of our governmental affairs. In this connection, permit me to remind you of the fact which has doubtless often occurred to all members of this assembly, that while it is easy to create new boards and commissions and add to the duties and expenses of those already established, it is a matter of the utmost difficulty to abolish or reduce the size and cost of one of these public bodies. For this reason, I would very respectfully request that constant vigilance be exercised against the creation of new functions or functionaries of the state government.

We must all recognize, I am sure, that only through candid and whole-hearted cooperation between the legislative and executive departments can any substantial saving be effected in our state government. I have promised and here renew that promise, that, as governor and a member of several administrative boards, I shall strive constantly to stop leaks, do away with unnecessary or duplicating activities, increase efficiency and save every dollar possible that the taxpayers contribute for the support of our state government. I expect to have the assistance and support of all of the other officials in the executive department in the performance of these tasks; I am equally certain that all members of this assembly will be glad to join a sincere effort to accomplish this urgent public service.



I am not unmindful of the fact that on the list of members of the Senate and House are the names of a number of men who have served through a number of previous sessions and, as a result of that experience, may possess a more comprehensive and detailed knowledge of the State's affairs than I. It is my hope that I may confer with them freely during the progress of the session and avail myself of the information and advice which they have to offer. I trust, also, that it will not be deemed presumptuous on my part, or regarded as any intent or desire to transgress upon the constitutional prerogatives of this body, when I offer the suggestion that in the conduct of your business, an effort be made to operate as economically as possible.

In the same spirit and without the slightest desire to impose my wishes upon the assembly, I would like also to suggest that your efforts be earnestly directed toward expediting the work which will come before you. By way of emphasizing the importance of this precaution, I have only to recall to your minds numerous instances in the past when congestion of business during the closing days of the sessions has created much confusion, engendered differences between the two houses and resulted in faulty and ill-considered legislation.

The subject of taxation is a most complex one and has engaged the study and thought of statesmen and economists from time immemorial. In what manner and what amounts money for the maintenance of government shall be raised are questions which call for the exercise of the wisest judgment that any state can command. It has come to be the accepted theory in our own country that taxes should be imposed on the basis of ability to pay them.

Many remedies have, in the past, been proposed and adopted for the purpose of correcting inequities in our tax system. Despite promises, talk and effort, we find still an ill-balanced tax structure and it is my hope that you may promptly address yourselves to the task of making such readjustments as are required for the correction of obvious and long-standing weaknesses. I urge you to approach the subject with your minds free from bias or prejudice and intent only upon rearranging the tax load so that it may rest with comparable weight upon the shoulders of all of our people, the heavier portions of the burden upon the backs of those of greatest strength, the lighter, borne by those of lesser strength. The over-privileged must, in order to promote the welfare and happiness of all, surrender some of their privileges and the under privileged must be lifted up to the point where they can share more equally and adequately in the good things of life.

We still have on the statute books tax classification laws, which put the great industrial foundations of many of our public utility concerns in the column with the homes of our people. In the first instance, the property has an earning capacity and is earning every day in the year, while the property in the second instance is without earning capacity. The machinery employed to develop the power and energy of these great public utility concerns is classified in the same "value column" with farm machinery. The former has an all-year earning capacity and is earning every day in the year, while the latter has only a seasonal earning capacity of approximately 30 days of the year. Then we find solvent securities, if unsecured, assessed on a value of only 7 per cent, the lowest rating of any taxable property, yet, it has a definite earning capacity written on its face and it is only assessed and taxed when definitely solvent. This is not a just equalization with a non-earning home which is assessed on a value of 30 per cent. However unequal that instance appears and is, yet we find that the law entirely exempts from tax liability all solvent securities which are secured. Many other such inequalities exist in our classification law for taxation purposes.

It is the theory of classification law for taxation purposes, that property should be classified on the basis of earning capacity and that in legislating upon this subject the use to which property is put should be the

basis of legislative consideration. Our own supreme court has laid down that rule; hence the great industrial dams holding back the waters of our streams for the generating of electric energy, should not be classified as farms or homes and neither should the substations and transformers of these large industrial institutions be classified as farm machinery. Such classification destroys the intent and purpose of the taxation law which is and has been interpreted to mean that property should be taxed according to the use to which it is put and its actual earning capacity. These inequalities should be corrected and I trust will be corrected by this legislative assembly. In making these corrections, I charge you with keeping uppermost in your minds, the fact that use and earning capacity establish "ability to pay."

From such studies as I have made of the situation, I believe that there should be and can be a substantial reduction in the state's levy against real property. As I view it, owners of farm and ranch lands and urban homes are now carrying a disproportionate share of the burden. The high percentage of tax delinquency throughout the rural sections of our state and among the owners of less pretentious homes in our cities and towns and villages, sustain this conclusion. I commend to the members of the assembly an earnest, painstaking study of this matter in the hope and belief that their united wisdom will result in some fair and constructive plan of tax equalization to correct the unfortunate conditions to which I have alluded. I further pledge my fullest cooperation in every effort that may be made in that direction.

In suggesting tax legislation, I wish it to be understood that any new levies made shall serve only as replacements for taxes already in effect. My thought is that reductions should be made in assessments against properties now overtaxed when their earning capacity is considered and to increase taxes on other properties according to earning capacity.

Taxes on solvent credits, secured and unsecured, one now exempted and the other with only a 7 per cent taxable rating, should be raised according to earning capacity and levies against farm lands and homes should be reduced to the place now occupied by solvent credits. This should be a first step to the ultimate exemption of homes without earning capacity, but we must approach this subject with the idea of replacement taxes and not put the exemption into effect until replacement has been provided for.

Our present corporation license tax is fixed as 2 per cent, which places us in the lowest brackets of any of the states. An increase in this tax of 1 per cent would be equitable and fair and figured on last year's returns, would swell our treasury by more than \$160,000. It would materially replace the farm and home tax on which I have suggested an instant reduction and an ultimate exemption.

An increase in the hydro-electric tax on gross proceeds, patterned after and equal to those in effect in neighboring states, which have worked out successfully and a severance tax on natural gas piped out of the state, would help to balance the revenue lost by reducing the farm and home tax.

An increase in the income and inheritance taxes in the upper brackets, which are now much lower than the average of our sister states and a 2 per cent tax on cigarettes and cigars, will entirely replace and eliminate the present state levy on real estate and the burden will be so distributed that it will not be onerous upon any individual or concern. At present, we have no cigar tax and the tax on cigarettes is merely a dealers' nominal tax, returning but a little more than its cost of collection.

At present we have no chain bank tax and only a nominal chain store tax. While we realize that both of these organizations contribute to our progress, yet each should be required to help support the state government which makes possible orderly business operations for them in the state while their owners are largely non-residents.

Our present system of taxing timber is not based upon our general theory of taxation, due to a constitutional provision and this class of property, when it becomes commercial and develops an earning capacity escapes its just burden of taxation. This should be corrected by submitting a constitutional amendment to the end that we be permitted to write a timber severance tax.

While coal is required to pay a license tax, yet, owing to the nature of its various modes of production, this tax is exceedingly unequal and is not based on the cost of production, nor the profits derived from the various systems of coal mining. The strip coal mines, operating almost exclusively by machinery which have practically eliminated the manpower in this class of coal production, should bear a greater burden than the mines which must, by the very nature of them, be operated by underground workers at a greatly increased cost and at much less profit to their producers.

All public utilities operating within the state, except that of the telephone, bear, at least, some license tax. The telephone is one of the surest profit earners and I trust that this assembly shall not adjourn until it has placed a fair and just license tax upon the telephone utility.

With the proper and fair taxing of such state industries as have escaped taxation and with the general equalization of taxes which I have suggested, together with the estimated increase in the state's income from a general improvement in financial and industrial conditions, which is estimated by the state board of equalization at an annual minimum of \$300,000, most of which will find its way into the general fund of the state, the entire levy on real estate for state purposes, exclusive of the University millage levy, can be eliminated at once.

In comparing the recommendations for general fund appropriations for the coming biennium with the appropriations as made by the last assembly, I find that requests for these funds have been increased from \$4,146,104 to \$4,747,440 or over \$600,000 for the biennium. This increase has been recommended, or requested, notwithstanding, or perhaps because of the fact, that new sources of revenue have sprung up by legislative enactment, which are in excess of either legislative or administrative estimates. It is my opinion that the appropriations recommended by the budget authorities upon the request of the heads of departments, commissions, and boards, instead of being increased, can be substantially reduced without resorting to false economy which would, in any manner, hamper the functions of government necessary to the welfare of our people.

The tendency, which has long been noted, toward the decentralization of our state government, through the creation of new boards, bureaus and commissions, has resulted in many needless duplications of services, all of which call for unnecessary expenditure of public funds. Some of these activities duplicate or infringe upon services rendered by the federal government, and of which we have the full benefit. At an appropriate time I shall call to your attention instances of duplicating services and would respectfully urge that whenever, in the course of your own inquiries, you discover such cases, actions be taken to eliminate and co-ordinate them. I suggest, also, an inquiry into those agencies which should be self-sustaining and should not, for that reason ask for or receive appropriations from the general fund.

Likewise, great care and caution should be taken in making institutional appropriations. Every provision should be made for the education of our youth, the care of our orphans and infirm and for such expenses as are necessary for the proper protection of our social order; but in doing so, I charge you to investigate and consider the "last day" uses to which the balances in these appropriations have been applied instead of being permitted to revert to the general fund, where they of right belong.



It has been a too general practice in the past for state institutions to go, sometimes to extraordinary lengths to exhaust their entire legislative appropriations, as well as other sources of income, regardless of necessity, by the close of the fiscal year. We may as well face the fact that this practice arises out of a desire to prevent any reduction in appropriations for the succeeding biennium. I cite just one or two instances, by way of illustration, of the methods used to exhaust appropriations. The records show one institution purchased 13 carloads, equaling some 400 tons of coal, at the opening of the summer season and another purchased 7,600 reams of typewriting paper at the close of the fiscal year, which closely coincided also with the close of that institution's active annual activities. I am unable to conclude other than that such purchases were made to exhaust the funds of those establishments to the end that they could show empty treasuries when they come before the assembly for new appropriations.

In the present budget, which will be submitted to you, the Greater University units have asked an increase of a flat 25 per cent for each unit over the appropriations for the present biennium. The budget board has failed to make any definite comment or recommendation upon this requested increase. If such an addition is made to the funds heretofore allotted, it is my judgment that it will increase the levy to the constitutional limit of three mills instead of the two and one-half mill levy made for the current biennium and which was sufficient to cover the appropriations made, take care of an overdraft in the millage fund and leave a balance of approximately \$100,000 over and above the requirements for the present year. It is my judgment that these institutions can be operated and can maintain their present high standards of efficiency within the limit of the two and one-half mills levy.

Recent years of disastrous drouth which have caused enormous losses to our people and tragically retarded the normal progress of the state, have brought home to all of us the necessity of taking every possible measure to remove or reduce the hazards of the elements, and place an ever-increasing number of our citizens beyond the influence of these recurring misfortunes. Sufficient water annually flows out of our mountains and runs unused to the seas, if captured, restrained and distributed in proper season, to transform vast areas of Montana into the richest and most productive agricultural regions on earth.

I favor carrying forward a program of water conservation which will gradually bring to pass this desired change. So imperative is the need, so numerous the opportunities and so meager our financial resources capable of being diverted to this work that every dollar should be spent with the greatest care and made to produce the largest possible benefit. Within the limits of my authority as chief executive, I pledge my sincere endeavor to guard against wasteful or unwise expenditures in the administration of our water conservation commission and my insistence upon the actual construction of projects now or hereafter found feasible.

In the lands reserved to our state for the benefits of its schools and for other purposes, is property of large present and potential value. We are under a most solemn and compelling obligation to administer this great estate in such fashion that it will be adequately conserved and return to our citizens the maximum of benefits. I have in mind a later message suggesting certain changes in the statutes which set forth the rules and regulations which govern the leasing and selling of state lands of every character, description and location.

Material to the relief of the farmers and the smaller home owners, would be the reenactment of the law which allowed the redemption of tax delinquent property without the payment of penalty and interest. This also would help to build up local, county and municipal revenues, as well as state revenues and I recommend that this law be reenacted for at least one additional year.

To deter discrimination in Montana, as compared to other states, I urge your serious consideration of legislation making gasoline a public utility.

The federal social security act is recognized as one of the most beneficial and humanitarian pieces of legislation in modern times and I urge the passage of law in strict harmony with the federal statutes on this subject, so that we may avail ourselves of the greatest amount of federal assistance for our children, our aged, blind, infirm and unfortunate in one instance and that we may be able to have the benefit of a maximum federal assistance in the way of unemployment insurance in the other instance.

I recommend the enactment of a train limit bill.

The state's control and operation of the liquor traffic has brought substantial profits to the state. However, because of the very nature of the traffic and the large sums of money involved in all the transactions, it is imperative that the utmost vigilance be exercised to insure a business like administration of the statute establishing this addition to our state government. To insure the best possible results, the traffic should be entirely free from political control or influence.

In connection with this all-important subject, I assure you, with the greatest of sincerity, that it would be highly gratifying to me if such change could be made in the liquor control law as would relieve the governor of the detail duties which now devolve upon him as a member of the liquor control board.

I am sufficiently acquainted with the duties of the office to which I have succeeded, to know that the time of the governor can be fully and usefully occupied without being under the duty of locating and leasing liquor stores, employing liquor vendors and other incidentals to this vast business and discussing the merits or demerits of different brands of merchandise necessary in this traffic. I do not desire to evade any proper responsibility, nor neglect any duty, but I am unable to escape the conviction that such activities as those to which reference has been made, belittles the office of governor and detracts from the dignity which the people have a right to expect and demand of the person occupying that position. For that reason I urge the assembly to make such changes in this law as will bring about the results which I have suggested.

It is not empty optimism that moves me to a strong hope for a sensible and purposeful progress in our state. The people of Montana are turning, as never before, to a permanent, fixed and substantial progress. Examples of their determination in this line are growing signs on every hand. They are sincere and earnest in their desires and ideas for a better and more economical state government which will also equalize the benefits and the burdens of our people. Their eyes are focused on us and their prayers are for us, for it is we in whom they have reposed confidence to bring them happiness and to establish progress in their government. Let us not deceive them and may a Divine Providence guide us and keep us steadfast in discharging these obligations.

It was moved by Senator Plank, duly seconded and carried, that a committee of five be appointed to escort his Excellency, the Governor, to his chambers. Thereupon the following were appointed: Senators O'Day and Cotter and Representatives Goodwin, Cruickshank and Padbury.

It was moved by Senator Plank, duly seconded and carried that 500 copies of the Governor's message be printed for distribution.

Upon motion by Senator Plank, duly seconded and carried, the Joint Session dissolve and the Senate retire from the Hall of the House.

Mr. Speaker in the Chair.



The Speaker announced the appointment of the Journal Committee as follows: Lippard of Chouteau, as Chairman, Haight of Fergus and Mungas of Granite.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 1:00 o'clock P. M. Tuesday afternoon, January 5th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

## SECOND DAY

House of Representatives,  
Helena, Montana,  
January 5th, 1937.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Trandum.

Mr. Speaker: We, your committee on Journal, having examined the Journal for the first legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Spiegel: A Bill for an Act entitled: "An Act requiring all persons, co-partnerships, corporations, firms, associations and others engaging in or carrying on for hire within the State of Montana the business of operating line shafts, head gears and drop hangers for operating sheep shearing machines or clippers, which said line shafts, head gears and drop hangers are brought into the State for temporary use therein, to pay to the State Treasurer of the State of Montana License tax for engaging in or carrying on such business, fixing the amount of such license tax and providing penalties for the violation of this Act."

By Ruffcorn: A Bill for an Act entitled: "An Act to permit real property to be redeemed from tax sale by paying the original tax, provided such original taxes be paid on or before December first, 1938 and relating to the time of taking tax deed."

By Alvord: A Bill for an Act entitled: "An Act to amend Section 7 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to levy for and payment of old age pensions and also to amend Section 22 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to the granting or continuance of old age pensions."

By Stortz: A Resolution entitled: "A House resolution to investigate the sugar beet industry of Montana."

## REPORTS ON STANDING COMMITTEES

Helena, Montana, January 4, 1937.

Mr. Speaker; We, your Committee on Employment, having had under consideration, applicants for employment, beg leave to report as follows:

First Assistant Sergeant-at-arms.....	Oscar Holding
Second Assistant Sergeant-at-arms.....	Wm. Neary
Third Assistant Sergeant-at-arms.....	Walter Thomas
Enrolling Clerk.....	O. K. Hanson
Assistant Enrolling Clerk.....	Kate Rockerfeller
Bill Clerk.....	Glenn Carney
Assistant Bill Clerk.....	O. G. Isaac
Printing Clerk.....	Tom Caverly
Engrossing Clerk.....	Margaret Patterson
Chief Telephone Operator.....	Ruth Schlenske
Assistant Telephone Operator.....	Mrs. Florence Baldwin
Employment Committee Clerk.....	Josephine Kovacich
Elevator Operator.....	Ralph Owings
Doorkeeper.....	John Hamill
Doorkeeper.....	C. C. Vanderpool
Doorkeeper.....	Carl Ahlgreen
Clerk.....	Ronald Priest
Clerk.....	Eugene Wheelen
Mailing Clerk.....	Lars Slagswold
Clerk.....	Melvin McPheeters
Page.....	Sonny Henwood
Clerk.....	Jack Carroll
Doorkeeper.....	John A. Nelson
On motion by Brennan, report adopted.	

J. P. BRENNAN, Chairman.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion was this day made and duly adopted:

By Plank: That the Rules, Joint Rules and Order of Business of the Twenty-fourth Legislative Assembly be adopted as the Rules, Joint Rules and Order of Business of the Twenty-fifth Legislative Assembly until the Committee on Rules, Joint Rules and Order of Business shall report.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Rule No. 53, be strictly enforced for the remainder of the session and that the Sergeant-at-arms be so instructed.

It was moved by Kruse, duly seconded and carried, that the Majority Floor Leader be made an ex-officio member of all standing committees.

It was moved by Minette, duly seconded that House Rule No. 9 be amended to permit another standing committee to be known as the "Social Security Committee." Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

#### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Kruse, Toomey, Anderson of Phillips, Haight, Holecek and Campbell: A Bill for an Act entitled: "An Act to prohibit any authority, State Institution, Board, Bureau, Commission or Department of the State of Montana having charge or regulation or supervision of the disbursement or expenditure of the income provided for any such State Institution, Board, Bureau, Commission or Department maintained in Whole or in Part by the State, from Expending or contracting to expend, or ordering or requiring

any inferior authority to expend, any amount in excess of the annual income from Legislative Appropriation and other authorized sources and granting the board of examiners authority to decrease expenditures under appropriations within the limitations of this Act and providing penalties for violation of this Act and for the removal from Office or employment of persons violating this Act."

### INTRODUCTION OF BILLS

The following was introduced, read first and second time and referred to the Committee on Constitutional Amendments:

House Bill No. 1, introduced by Masterson: A Bill for an Act entitled: "An Act for the submission to the qualified Electors of the State of Montana, an amendment to Section 2, Article 12, of the Constitution of the State of Montana, relating to the exemption of property from taxation and authorizing the Legislature to exempt property used for residential purposes, in an amount of not to exceed \$2,500.00 of the value thereof."

### MOTIONS AND RESOLUTIONS

It was moved by Holecek, duly seconded and carried, that each member of the House of Representatives be restricted to the introduction of not more than five bills, this not to include committee bills and when bills are sponsored by more than one member, the bill shall be charged to the account of the member whose name first appears on the bill.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M. Wednesday morning, January 6, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### THIRD DAY

House of Representatives,  
Helena, Montana,  
January 6, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members were present except the following who were excused: Trandum and Minette.

Mr. Speaker, we, your Committee on Journal, having examined the Journal for the second legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### REPORTS ON STANDING COMMITTEES

Helena, Montana,  
January 6th, 1937.

Mr. Speaker: We, your Committee on Employment, having had under consideration, applicants for employment, beg to submit the following appointments:

Assistant Journal Clerk.....	Isabel Collins
Secretary to Chief Clerk.....	Betty Briscoe
Assistant Secretary to Chief Clerk.....	Adelaide Hale
Stenographers—Mona Kerruish, Vasalia Tyanich, Alma Lovely,	

Tessie Minekler, Doris Taylor, Marie Anderson, Floretta Compton, Mabel Reidinger (Stenographer to Floor Leader), Zita Cecconi, Birdie Smith, Ruth Billings, Mrs. Dorothy Thornburg.  
Pages—Frank Devine (Page to Speaker), Alvin Lundquist.  
Janitors—L. W. Plumber, Head Janitor; Donald Bruce, E. H. Harris, Pat Sullivan.

J. P. BRENNAN, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that a committee of three members of the House be appointed by the Speaker to act with a like committee from the Honorable Senate to draw up suitable resolutions on the death of former Governor Frank H. Cooney.

It was moved by Spiegel, duly seconded and carried, that a committee of five be appointed to prepare and submit suitable resolutions memorializing the members of the Twenty-fourth Legislative Session who have since passed away and that such resolutions be entered in the House Journal and a copy to be forwarded to the widows or families of the deceased members.

It was moved by Spiegel, duly seconded and carried, that no unsigned, printed or written matter be distributed on the desks of the members or in the House Chamber, unless approved by the Speaker or Majority Floor Leader and that the Sergeant-at-arms be instructed to act accordingly.

It was moved by Holecck, duly seconded, that the House Rule No. 45 be amended to read as follows:

The Committee on Enrollment shall not report any bill as correctly enrolled that has any words interlined therein or when any words have been erased therefrom, except that when the title of any bill shall begin with the words, "A Bill for an Act, etc.," the Committee on Enrollment shall omit on the enrolled bill the words, "A Bill for an Act Entitled," nor until the author of the bill, if then in attendance, or in case of a committee bill the chairman of the committee or a member of the committee designated by the chairman, if such chairman or member is in attendance, have been given an opportunity to examine the same in the presence of the Chairman or some other member of the Enrolling Committee or the Enrolling Clerk.

### INTRODUCTION OF BILLS AND MEMORIALS

House Bill No. 2, introduced by Spiegel, by request. A Bill for an Act entitled: "An Act requiring all persons, co-partnerships, corporations, firms, associations and others engaging in or carrying on for hire within the State of Montana the business of operating line shafts, head gears and drop hangers for operating sheep shearing machines or clippers, which said line shafts, head gears and drop hangers are brought into the State for temporary use therein, to pay to the State Treasurer of the State of Montana, license tax for engaging in or carrying on such business, fixing the amount of such license tax and providing penalties for the violation of this Act." To be referred to Committee on Revenue and Taxation when such committee is appointed.

House Bill No. 3, introduced by Padbury, Toomey and Smith. A Bill for an Act entitled, "An Act fixing the hours at which the Polls for Special Elections shall be opened and closed." To be referred to Committee on Privileges and Elections when such committee is appointed.

Mr. Speaker announced the following committees:

Rules, Joint Rules and Order of Business: Spiegel of Silver Bow, Monahan of Park, Kruse of Flathead, Padbury of Lewis and Clark, Rolph of Liberty.



Committee on Engrossing: Peterson of Pondera, Hess of Hill, Lemmer of Cascade, Green of Dawson, Longenecker of Ravalli.

Committee on Enrolling: McKenna of Judith Basin, Mulholland of Silver Bow, Reed of Blaine, Elliott of Missoula, Lasby of Broadwater.

Committee on Appropriations: Manning, Chairman, of Treasure, Monahan, Vice Chairman, of Park, Shanley of Cascade, Dougherty of Powell, Lasby of Broadwater, Lovell of Deer Lodge, Miller of Roosevelt, Green of Dawson, Lehrkind of Gallatin, Alvord of Sanders, Measure of Flathead, Goodwin of Silver Bow, McClain of Missoula, Trandum of Yellowstone, Masterson of Custer, Lambert of Hill, Toomey of Lewis and Clark.

It was moved by Spiegel, duly seconded and carried, that the House recess subject to the call of the Chair.

House resumed. Mr. Speaker in the Chair.

### INTRODUCTIONS OF BILLS, ETC.

By unanimous consent of the House, the following bill was introduced, without notice, read first and second time at length and referred to the Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Twenty-fifth Legislative Assembly and for the payment of per diem of the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 4, recommend that the same do pass.

MANNING, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 4 be considered properly printed and placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

### CONSIDERATION OF GENERAL ORDERS

Kruse in the Chair.

Committee arose. House resumed.

Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 4, recommend that the same do pass.

KRUSE, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 4 be considered properly engrossed and placed on third reading.

### THIRD READING OF HOUSE BILLS

House Bill No. 4, introduced by Committee on Appropriations, having been read three several times at length, title and history agreed to, was passed by the following vote:



Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Rolph, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Waldrop, Wenger, Whaley, Wood. Total 94.

Noes: Anderson (Chouteau), Haight, Holecek, Levissee, Lippard, Vanek. Total 6.

Absent and not voting: Minnette, Trandum. Total 2.

The Speaker: 94 have voted "aye," 6 have voted "no." House Bill No. 4 has passed the House.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Holecek and Levissee: A Bill for an Act entitled: "An Act to amend Sections 4 and 8 of Chapter 105, Session Laws of the Twenty-third Legislative Assembly, 1933, relating to the 'State Liquor Control Act of Montana,' Administration of this Act, creation of Board and its powers and functions."

By Finnegan: "A Memorial to the Congress of the United States requesting enactment of legislation for a National Lottery to supplement Old-Age Pension Allowances; or to secure modification of Postal Regulations so that State Governments could enact Lottery Systems for supplementing Old-Age Pension Payments and for their general funds."

By Finnegan: "An Act to amend Section 1760 of the Revised Codes of Montana for 1921, as amended by Section 1 of Chapter 103, of the Montana Session Laws of 1933 and to repeal Section 3, of Chapter 158, Session Laws of 1931 and amending Chapter 38 of the Extraordinary Session Laws of the Twenty-third Legislative Assembly, relating to Registration and Registration Fees of Motor Vehicles and Dealers thereof and distribution of the revenues received therefrom."

By Brayman, Metcalf, Nelson, Bower, Anderson (Lincoln), Anderson (Silver Bow), Anderson (Chouteau), Alvord: A Bill for an Act entitled: "Voting by absent electors to amend Chapter 69 Sections 715-716-717-720-726-729-734 of the 1935 Revised Codes of Montana. To include qualified electors physically unable to present themselves at voting precincts and providing a form of certificate of disability."

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:30 P. M.

House resumed. Mr. Speaker in the Chair.

### NOTICES

By Peterson (Pondera) and Ruffcorn: A Bill for an Act entitled: "An Act requiring Public utilities to file an annual statement of the value of all property for rate making purposes and prescribing the method of assessing such properties for taxation."

By Chamberlain, DeDobbeleer, Miller (Roosevelt), Lippard, Anderson (Chouteau): A Bill for an Act entitled: "An Act Providing for the greater Security for the Payment of Salaries and Wages by Employers engaged in the Business of Extracting, or of Extracting and Refining or Reducing Metals and Minerals, or drilling for Oil, Except such Employers who have a free and unencumbered title to the Fee of the Property being worked."

By Ruffcorn and Mackie: A Bill for an Act entitled: "An Act to Permit Real Property to be redeemed from Tax Sale by Paying the original Tax, Providing such Original Taxes be paid on or before December first 1938 and relating to the time of taking tax deed."

## REPORTS OF STANDING COMMITTEES

It was moved by Kruse, duly seconded and carried that the following report be considered read and the Journal so show:

Mr. Speaker: We, your Committee on Mileage and Per Diem, beg to submit the following report, indicating the number of miles traveled by the following members of the House and sums due them therefor, for the Session of the Twenty-fifth Legislative Assembly, convening January 4th, 1937.

Name	Residence	Miles	Amount
Acher, John W.,	Zurich	504	\$35.28
Alvord, A. A.,	Thompson Falls	444	31.08
Anderson, Andrew E.,	Loma	326	22.82
Anderson, A. W.,	Butte	144	10.08
Anderson, Eric,	Regina	706	49.42
Anderson, Hugo,	Libby	930	65.10
Bjorneby, Emil G.,	Kalispell	496	34.72
Bloom, Edward,	Red Lodge	534	37.38
Bower, Frank A.,	Tarkio	330	23.10
Brayman, C. W.,	Missoula	238	16.66
Brennan, James P.,	Sidney	1038	72.66
Burns, Ernest,	Whitefish	532	37.24
Campbell, Ray C.,	Great Falls	196	13.72
Chamberlain, Clarence,	Sand Creek	1102	77.14
Chatham, J. F.,	Butte	144	10.08
Cohen, A. B.,	Butte	144	10.08
Conner, J. B.,	Farmington	314	21.98
Crouse, L. E.,	Belgrade	198	13.86
Cruickshank, Mabel,	Bozeman	196	13.72
Cusick, W. M.,	Kalispell	508	35.56
Daly, Geo. H.,	Billings	478	33.46
DeDobbeleer, Jasper, Sr.,	Glasgow	748	52.36
D'Ewart, Wesley,	Wilsall	312	21.84
Dougherty, James N.,	Elliston	58	4.06
Eggenberger, Andrew D.,	Harlowton	296	20.72
Elliott, Harvey,	Missoula	238	16.66
Finnegan, Frank J.,	Anaconda	196	13.72
Freshman, Walter C.,	Butte	144	10.08
Goodwin, Phil C.,	Butte	144	10.08
Green, Henry R.,	Lindsay	976	68.32
Haight, Herbert H.,	Suffolk	504	35.28
Hamilton, Mrs. W. W.,	Dodson	560	39.20
Hardcastle, Ernest A.,	Butte	144	10.08
Haugan, K. O.,	Fishtail	440	30.80
Heavlin, J. B.,	Missoula	238	16.66
Heddin, H. T.,	Billings	478	33.46
Hess, H. H.,	Havre	462	32.34
Hoiness, Melvin M.,	Billings	478	33.46
Ho'ceek, J. (Joe),	F. Lewistown	430	30.10
Ijams, S. E.,	Great Falls	196	13.72

Jackson, Peter V., Norris	184	12.88
Joffray, E. N. Clancy	32	2.24
Johnson, Theodore J., Bloomfield	1014	70.98
Kelson, Charles H., Shelby	394	27.58
Kruse, Albert H., Brusset	994	69.58
Lambert, H. A., Havre	442	30.94
Lasby, W. D., Townsend	66	4.62
Leeson, George, Bainville	996	69.72
Lehrkind, Carl, Jr., Bozeman	196	13.72
Lemmer, Frank, Great Falls	196	13.72
Levissee, A. B., Polson	382	26.74
Lippard, Gordon, Loma	356	24.92
Longenecker, H. H., Hamilton	330	23.10
Love, Ed., Miles City	770	53.90
Lovell, Edward F., Anaconda	196	13.72
McClain, M. A., Missoula	238	16.66
McKenna, George S., Geyser	300	21.00
McLeod, Archie D., Great Falls	196	13.72
Mackie, Robt., W., Lewistown	430	30.10
Manning, D. M., Hysham	626	43.82
Masterson, James W., Miles City	770	53.90
Measure, Ambrose G., Kalispell	496	34.72
Metcalf, Lee, Stevensville	294	20.58
Metlen, Joe, Armstead	324	22.68
Miles, Ben B., McLeod	352	24.64
Miller, Guy A., Flaxville	964	67.48
Miller, R. J., Lodge Grass	692	48.44
Minette, Dr. C. H., Cut Bank	419	29.33
Mitchell, Harry, Butte	144	10.08
Monahan, George, Livingston	246	17.22
Mulholand, M. J., Butte	144	10.08
Mungas, G. M., Philipsburg	220	15.40
Nelson, Wm. J., Barber	380	26.60
O'Connor, G. W., Fromberg	492	34.44
O'Shea, Jas. J., Luther	596	41.72
Padbury, Fred W., Helena	000	
Parker, Clem, Wibaux	1010	70.70
Peterson, N. A., Valier	378	26.46
Peterson, P. C., Westby	1148	80.36
Phelan, D. J., Billings	478	33.46
Reed, W. H., Turner	582	40.67
Rolph, H. D., Joplin	500	35.00
Ruffcorn, George W., Glasgow	748	52.36
Schneider, M. L., Baker	938	65.66
Scofield, Chas. L., Biddle	990	69.30
Scott, Walter, Roundup	438	30.66
Shanley, Geo. H., Great Falls	196	13.72
Sherman, Charles H., White Sulphur Springs	232	16.24
Smith, Sherman W., Helena	000	
Sorte, Marvin J., Scobey	946	66.22
Spiegel, Sam, Butte	144	10.08
Stimatz, Thomas G., Butte	144	10.08
Stortz, R. Bailey, Forsyth	680	47.60
Stromnes, E. J., Great Falls	196	13.72
Toomey, Edmond G., Helena	000	
Trandum, E. H., Billings	478	33.46
Tyler, R. G., Homestead	982	68.74
Vanek, Joe, Lewistown	458	32.06
Waldrop, George R., Winnett	540	37.80
Wenger, Edward A., Anaconda	196	13.72
Whaley, James, Marsh	888	62.16
Wood, C. L., Alzada	1054	73.78

JAS. WHALEY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having under consideration a Motion that House Rule No. 45 be amended, respectfully report that same be replaced by the following: "The Committee on Enrollment shall not report any bill as correctly enrolled that has any words interlined therein or when any words have been erased therefrom, except that when the title of any bill shall begin with the words, "A Bill for an Act, etc.," the Committee on Enrollment shall omit on the enrolled bill the words, "A Bill for an Act Entitled," not until the author of the bill, if then in attendance, or in case of a committee bill the Chairman of the Committee or a member of the Committee designated by the Chairman, if such Chairman or member is in attendance, have been given an opportunity to examine the same in the presence of the Chairman or some other member of the Enrolling Committee or the Enrolling Clerk."

SPIEGEL, Chairman.

Motion recommended for adoption.

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration a Motion that House Rule No. 9 be amended to permit another standing committee to be known as the "Social Security Committee," respectfully report as follows: "That a new Committee be established to be called the Committee on Social Security and that the Committees be numbered accordingly and that the motion be recommended for adoption."

SPIEGEL, Chairman.

Recommended for adoption.

#### CONSIDERATION OF MESSAGES, ETC.

It was moved by Spiegel, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

#### INTRODUCTION OF BILLS, ETC.

House Bill No. 5, introduced by Alvord. A Bill for an Act entitled: "An Act to amend Section 7 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to levy for and payment of Old Age Pensions and also to amend Section 22 of Chapter 170 of the Session Laws of the Twenty-fourth Legislative Assembly of Montana, relating to the granting or continuance of old age Pensions." To be referred to Committee on Social Security when appointed.

House Bill No. 6, introduced by Kruse, Toomey, Anderson of Phillips, Haight, Holecek and Campbell. A Bill for an Act entitled: "An Act to prohibit any Authority, State Institution, Board, Bureau, Commission or Department of the State of Montana having charge or regulation or supervision of the disbursement or expenditure of the income provided for any such State Institution, Board, Bureau, Commission or Department maintained in whole or in part by the State, from expending or contracting to expend, or ordering or requiring any inferior authority to expend, any amount in excess of the annual income from Legislative Appropriation and other authorized sources and granting the board of Examiners authority to decrease expenditures under appropriations within the limitations of this Act and providing penalties for violation of this Act and for the removal from Office or Employment of persons violating this Act." To be referred to Committee on State Boards and Offices when appointed.

The Speaker announced the following Committees:

Affairs of Cities: Goodwin, Chairman, of Silver Bow, Hedden, Vice Chairman of Yellowstone, Cruickshank of Gallatin, Finnegan of Deer Lodge, Ijams of Cascade, Freshman of Silver Bow, Bloom of Carbon, Cohen of Silver Bow, Lippard of Chouteau, McClain of Missoula, Smith of Lewis and Clark, Anderson of Lincoln, Kelson of Toole, Lovell of Deer Lodge, Joffray of Jefferson.



Agriculture: Miller of Roosevelt, Chairman, Whaley of Prairie, Vice Chairman, Vanek of Fergus, Anderson of Chouteau, Hess of Hill, Reed of Blaine, Jackson of Madison, Levissee of Lake, McKenna of Judith Basin, Chamberlain of McCone, Parker of Wibaux, Sorte of Daniels, DeDobbeleer of Valley, Phelan of Yellowstone, Peterson of Sheridan.

Apportionment and Representation: Sorte of Daniels, Chairman, Anderson of Silver Bow, Vice Chairman, Bloom of Carbon, Kruse of Garfield, Connor of Teton, Scofield of Powder River, Anderson of Phillips, Hoiness of Yellowstone, Miles of Sweet Grass, Wenger of Deer Lodge, Mungas of Granite, Miller of Big Horn, Jackson of Madison, Hardcastle of Silver Bow, Burns of Flathead.

Banks and Banking: Acher of Blaine, Chairman, Hedden of Yellowstone, Vice Chairman, Haugan of Stillwater, Johnson of Dawson, Mungas of Granite, Smith of Lewis and Clark, Lambert of Hill, Brennan of Richland, Vanek of Fergus, Goodwin of Silver Bow, O'Shea of Carbon, Leeson of Roosevelt, Ijams of Cascade, Waldrop of Petroleum, Wenger of Deer Lodge.

Constitutional Amendments: Measure, Flathead, Chairman, Waldrop of Petroleum, Vice Chairman, Hoiness of Yellowstone, Monahan of Park, Haight of Fergus, Chamberlain of McCone, Kruse of Garfield, Cohen of Silver Bow, Masterson of Custer, Toomey of Lewis and Clark, Lippard of Chouteau, O'Shea of Carbon, Chatham of Silver Bow, Sorte of Daniels, DeDobbeleer of Valley.

Dairying: O'Shea, Chairman of Carbon, Peterson, Vice Chairman of Sheridan, Hoiness of Yellowstone, Eggenberger of Wheatland, McKenna of Judith Basin, Hess of Hill, Metcalf of Ravalli, Cusick of Flathead, Conner of Teton, Cohen of Silver Bow, Levissee of Lake, Vanek of Fergus, Parker of Wibaux, Lemmer of Cascade, Elliott of Missoula.

Fairs and Expositions: Hamilton of Phillips, Chairman, Brennan of Richland, Vice Chairman, Shanley of Cascade, Brayman of Missoula, Johnson of Dawson, Cohen of Silver Bow, Joffray of Jefferson, Hedden of Yellowstone, Vanek of Fergus, Padbury of Lewis and Clark, Bjorneby of Flathead, Wenger of Deer Lodge, Ruffcorn of Valley, Love of Custer, Anderson of Chouteau.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock, A. M., Thursday morning, January 7th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

#### FOURTH DAY

House of Representatives,  
Helena, Montana,  
January 7th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Trandum and Minette.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the third legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.



## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Levissee: An Act to amend Section 4922, Revised Codes of Montana, 1935, relating to the fees of County Coroners.

By Hoiness: A Bill for an Act, entitled: "An Act to amend Section 4465.19 of the Revised Codes of Montana of 1935, relating to the powers of the Board of County Commissioners to contract for printing and supplies."

By Brayman: "An Act to provide state aid to County and District Agricultural Fairs, relating to appropriations and the purpose for which same shall be used."

By Mackie and Alvord: A Bill for an Act entitled: "An Act to be hereafter named and cited as the Old Age Insurance Act, creating the Old Age Insurance Commission, prescribing their duties as such and giving to said Old Age Insurance Commission power to employ a Secretary and other employees and fix their salaries or compensation, and to make such rules and regulations as shall be necessary to carry out the provisions of this Act, providing certain persons over the age of sixty years may be granted Old Age Insurance, describing their qualifications therefor as to residence, character and property; creating the State Old Age Insurance Fund, providing for the repayment to the Old Age Insurance Fund of all money paid in Old Age Insurance under certain conditions; providing the requirements to be made by the applicant before the Old Age Insurance may be collected; providing for Old Age Insurance Certificates, and renewal thereof; providing for payment of Old Age Insurance; providing that Old Age Insurance shall not be subject to assignment, sale, attachment, or execution; providing for cancellation of Old Age Insurance Certificates under certain conditions; Providing that the funds for payment of Old Age Insurance shall be furnished or obtained from such sources as the Legislature may determine; providing for penalties for obtaining or aiding and abetting in obtaining Old Age Insurance through false representation or fraud; providing for the disqualification of applicants under certain conditions; providing that Old Age Insurance shall be paid from the State Old Age Insurance Fund; and providing for the reports of Old Age Insurance Commission to the Legislature; and repealing Chapter 170, Session Laws 1935, and Sections 335.18 to 335.45 inclusive, of the Revised Codes of Montana of 1935, and all Acts or parts of Acts in conflict herewith."

By Longenecker and Metcalf: A Bill for an Act entitled: "An Act to amend Sections 1755.5, 1756, 1759, 1759.2, 1760, 1763.8, of Chapter 152, of the Revised Codes of Montana of 1935, to provide for the issuance of motor vehicle license plates by the County Treasurer; and to provide for a quarter year license fee for registration of motor vehicles originally purchased or entering the State of Montana after October 1, of the licensing year."

By Johnson: An Act amending Section 1759 of Chapter 152 of the Codes of 1935 relating to application for registration of motor vehicles, payment of license fees thereon and delivery of license.

By Goodwin: A Bill for an Act entitled: "An Act repealing Sections 715 to Section 735, both inclusive of the Revised Codes of Montana 1935, relating to voting by absent electors."

By Chamberlain, Anderson (Chouteau), Lippard, Haight, and Miller (Roosevelt): "An Act to amend Section 7726 of the Revised Codes of Montana of 1935 relative to the maximum rate of interest."

## MESSAGE FROM THE GOVERNOR

The Speaker, House of Representatives, Helena:

Complying with the provisions of the Constitution, I have the honor to submit herewith a report of the Pardons and Commutations of Sentence granted by the Governor during the years 1935-'36.

ROY E. AYERS, Governor.

It was moved by Spiegel, duly seconded and carried, that the report of the Governor be considered read at length and the Journal so show.

REPORT OF PARDONS, COMMUTATIONS, ETC., 1935-1936  
BY GOVERNOR F. H. COONEY

**Pardons**

EDWARD E. ROLLINS—Deer Lodge county; first degree murder; sentenced Jan. 14, 1926, to life imprisonment. There was evidence to warrant the belief that Rollins pleaded guilty to protect the perpetrator of the crime. His conduct had been excellent and he had held responsible positions in the prison. On Jan. 10, 1935, he was given an unconditional pardon.

HARRY MURDOCK—Pondera county; use of automobile without owner's consent; one year's sentence suspended May 13, 1929. Murdock was a citizen of Canada and employed by an oil company near the border. In this capacity it was necessary for him to enter the United States occasionally, but because of the old sentence the Immigration officials denied him entry. On Aug. 12, 1935, a pardon was granted.

**Commutations**

MARTIN JENSEN—Cascade county; robbery; sentenced Aug. 6, 1929, to 20 years. Jensen was only 19, was associated in the offense with older men, and had never before been afoul of the law. His testimony added materially in securing convictions in the other cases. He had been an exceptionally good prisoner and the Warden recommended him. A job was awaiting him, and on Jan. 7, 1935, his sentence was commuted to 11 years.

JOHN POLETTTO—Cascade county; grand larceny; sentenced Feb. 1, 1934, to three years. He pleaded guilty to stealing about \$100 while intoxicated, but had returned the sum before information was filed. The complaining witness was among those asking clemency for Poletto. On the ground that he had been sufficiently punished his sentence was on Jan. 8, 1935, commuted to two years.

DAVE THOMSON—Dawson county; robbery; sentenced July 21, 1933, to five years. This was his first offense and the County Attorney recommended clemency. On Jan. 8, 1935, sentence was cut to three years.

HAROLD R. WIRTH—Richland county; stealing a colt; sentenced Sept. 12, 1933, to five years. He had borne a good reputation and the County Attorney recommended clemency. Sentence was commuted to three years Jan. 8, 1935.

WILLIAM KEANE—Lewis and Clark county; first degree burglary; sentenced March 31, 1931, to 12 years. He had been a hard-working man of good repute and had been long without work when the crime was committed. That he might return to the assistance of his mother sentence was on Jan. 9, 1935, commuted to eight years.

KIP BELL—Lewis and Clark county; grand larceny; sentenced Aug. 7, 1931, to 10 years. Bell having been intoxicated at the time of the crime, the Governor feeling that the punishment was unduly severe, and Bell

having employment in prospect, sentence was commuted Jan. 10, 1935, to five years.

EMMETT KEYES—McCone county; grand larceny; sentenced Oct. 13, 1933, to five years. Eight of the jurors, the County Attorney and many neighbors requested commutation, and on Jan. 10, 1935, commutation to three years was granted.

LaTOUR LOVELAND—Cascade county; robbery; sentenced Dec. 26, 1930, to 25 years. He had been a model prisoner, had a job awaiting him, and on the ground that he had been sufficiently punished the sentence was cut to eight years on Jan. 11, 1935.

CLYDE KIPP—Stillwater and Yellowstone counties; grand larceny and robbery; sentenced June 8, 1932, to 10 and nine years, to run concurrently. Testimony given by Kipp was highly valuable, bringing about conviction of seven others. Judge, County Attorney and Sheriff in one case recommended clemency. On Jan. 12, 1935, sentences were reduced to three years in each case, to run concurrently. This action was disapproved by the State Board of Pardons.

E. A. MOELLER—Carter county; grand larceny; sentenced Dec. 6, 1933, to three years. Moeller had had no previous trouble. Ten of the jurors convicting him petitioned in his behalf, and on Jan. 16, 1935, sentence was cut to two years.

OLIVER T. GRAY—Richland county; robbery of bank; sentenced May 12, 1929, to 40 years. Because Gray had never before been in trouble, had rendered very valuable services in the prison automobile plate factory, and believing he had been sufficiently punished the Governor on Jan. 19, 1935, cut the sentence to 11 years.

WALTER R. SMITH and EDWIN VANMEN—Lewis and Clark county; larceny; sentenced Dec. 24, 1934, to six months in county jail. It appeared the men thought they had bought the mining material they were accused of stealing but had not got a bill of sale. On Jan. 10, 1935, sentence was commuted to one month.

LOUIS FRANCIS—Broadwater county; petit larceny; sentenced Jan. 11, 1935, to six months in county jail. Francis' family had been on relief and he took some lumber from another house whereby he might make their own home more comfortable. He had a job awaiting him in the event of his release and on Feb. 15, 1935, sentence was commuted to two months.

GOTTIEBE BECKER, Jr.—Prairie county; burglary; sentenced Jan. 24, 1934, to five years. Becker had a wife and eight children on relief. Judge, County Attorney and other officials recommended consideration and on March 29, 1935, sentence was reduced to fifteen months.

MATT DOYLE—Cascade county; attempting to conceal identity after colliding with injured persons; sentenced March 17, 1934, to four years. The offense was committed while Doyle was intoxicated. The County Attorney and other officers recommended that Doyle be given another chance, and on May 8, 1935, commutation to two years was granted.

KENNETH CLARK—Valley county; attempt to commit rape; sentenced Dec. 2, 1933, to 10 years. Friends of Clark made arrangements with Johns Hopkins university's department of psychiatry to have him treated to correct a mental condition, and on May 13, 1935, sentence was commuted to three years.

CLYDE KIPP—On August 29, 1935, Kipp's case was again presented to the State Board of Pardons, the sentences again being commuted to three years each, to run concurrently. This action also was disapproved by the Board.

ORA ROBINSON—Carter county; horse stealing; sentenced Nov. 18, 1933, to five years. On recommendation of Judge and County Attorney sentence was on Aug. 12, 1935, cut to three years.

FLOYD BARNEY—Fergus county; larceny; sentenced in June, 1933, to four years. Barney's sentence was suspended; he had passed a civil service examination, and in order that he might secure appointment the sentence was on Aug. 12, 1935, cut to two years.

PAUL VOGT—Phillips county; larceny; sentenced Feb. 19, 1935, to two years. Vogt's partner in the crime was given one year, and believing the men should receive the same treatment the Governor on Aug. 12, 1935, commuted his sentence to one year.

INOCENCIA ALFARA—Dawson county; second degree murder; sentenced July 16, 1927, to 18-36 years. Alfara had epilepsy and heart trouble, and in accordance with the Immigration Service's desire to deport him to Mexico the sentence was cut to 16 years on Aug. 12, 1935.

WILLIAM JOHNSON, RAYMOND COOPER and SWAN JOHNSON—Judith Basin county; theft of a car; sentenced June 18, 1934, to three years each. It was the first offense of William Johnson and Cooper, but Swan Johnson had a record, and the Immigration Service desired to deport him to Sweden. The other boys had jobs awaiting them. On Aug. 12, 1935, sentences were commuted to two years and four months each.

HENRY GILBERTSON—McCone county; second degree murder; sentenced June 8, 1931, to 25 years. Gilbertson and an older man were together at the time of the crime, the former then being only 19 years old and having had no prior trouble. Both were quite drunk. Feeling that the lad should have a chance at rehabilitation, sentence was on Sept. 6, 1935, cut to eight years.

WILLIAM CLARENCE CATES—Missoula county; first degree murder; sentenced to death in July, 1934. Commutation to life imprisonment was granted in September, 1934, which action was disapproved by the State Board of Pardons. On September 23, 1935, a second commutation to life imprisonment was granted. This also the Board disapproved.

HARRY MILLER—Garfield county; grand larceny; sentenced June 16, 1933, to five years. He was sorely needed to care for his family and ranch. His offense was not aggravated and the presiding Judge offered no opposition to clemency, which was urged by numbers of stockmen and neighbors. On Sept. 30, 1935, sentence was commuted to two years.

LOUIS LOUDEN—Dawson county; involuntary manslaughter; sentenced June 24, 1935, to one and a half years. He was charged with operating an automobile while drunk and thereby causing the death of his sister. Believing that the loss of his sister was sufficient to convince him of the seriousness of the offense and add to the punishment inflicted by the law, his sentence was on Oct. 2, 1935, commuted to six months.

PERIN DAGENAIS—Lewis and Clark county; rape; sentenced April 30, 1934, to eight years. The young man had previously borne a good reputation and it appeared that the crime was not as serious as was thought at time of sentence. He had a job awaiting him on his release. On Nov. 25, 1935, the sentence was cut to three years.

ROBERT BOWERS—Cascade county; robbery; sentenced Aug. 1, 1929, to 20 years. Bowers was only 22 at the time and was associated in the crime with three others, one of whom was an ex-convict twice his age. The presiding Judge had no objection to clemency and the Warden of the prison thought Bowers entitled to consideration. On Nov. 29, 1935, sentence was commuted to 12 years.



CARL HOULISTON, LEO JOHNSON and LAWRENCE MAHER—Flathead county; using automobile without consent of owner; sentenced March 1, 1935, to two years each. In consideration of the youth of the prisoners the sentence was on Nov. 29, 1935, cut to one and a half years.

#### Fines Remitted

ERVIN J. GOODHEART—Blaine county; second degree assault; sentenced Dec. 12, 1931, to pay a fine of \$1,000. Because of inability to pay the fine and the likelihood of losing his farm through foreclosure the fine was remitted on Jan. 8, 1935.

LESTER MCGRAW—Richland county; misdemeanor; sentenced in Justice's court in 1934 to six months in jail and fined \$500. He had served the jail term, but had neither money nor property with which to pay the fine. On Feb. 7, 1935, the fine was remitted.

ALBERT STEPMAN, JOE VIELLEUX, EARL W. CULBERTSON, HERMAN SMALL and JESSE WILLETT—Chouteau county; petit larceny; sentenced May 8, 1935, to 30 days in jail and fined \$100 each. The property was of no great value and had been returned to the owners. Sentence having been served the fines were remitted on May 23, 1935.

HUBERT BURLAND—Lake county; third degree assault; sentenced April 24, 1933, to six months in jail and fined \$500. Jurors and Sheriff recommended remission of the fine and this was granted on Oct. 7, 1935.

DAVID SMITH and THEODORE POTTER—Chouteau county; disturbing the peace; sentenced July 1, 1935, to 90 days in jail and fined \$200. The boys had never before been in trouble and were badly needed at home, and having served all of the jail sentence and part of the fine the unpaid portion of the fine was remitted on Nov. 18, 1935.

#### Transfer

RALPH MILLS—Powder River county; burglary; sentenced July 6, 1935, to one year. It appeared that the boy was only 17 years old, and for this reason the sentence was on Aug. 6, 1935, commuted to one year in the Industrial School.

#### BY GOVERNOR ELMER HOLT

##### Pardons

STUART ECKSTROM—Cascade county; resisting an officer; sentenced in Justice's court Dec. 5, 1935, to 90 days in jail. Numerous requests for clemency were made and the Justice recited that at the time of the offense Eckstrom was drunk, and if liberated he could return to the job he had held for some time. On Feb. 22, 1936, a pardon was granted.

BILL MUNROE—Sanders county; hunting without a license; sentenced Oct. 21, 1935, to six months in jail. Munroe was suffering from a broken hip and it was felt that the time served was sufficient punishment. On March 9, 1936, he was pardoned.

THOMAS INCASHOLA—Lake county; first degree burglary; sentenced Jan. 8, 1936, to one year. The prisoner's trouble was charged to liquor, and the County Attorney and the complaining witness felt that his imprisonment had given him the needed lesson. On April 17, 1936, a pardon was granted.

WILLIAM ULMER—Valley county; lewd and lascivious act upon a child; sentenced March 2, 1936, to one year. Petitions and letters established the boy's previous good repute, and in the belief that his time in prison had taught him a lesson a pardon was granted on Sept. 2, 1936.



MILO WALKER—Carbon county; robbery; sentenced March 30, 1933, to nine years. The presiding Judge and many residents of the Bridger locality recommended clemency and the County Attorney made no objection. On Sept. 29, 1936, a conditional pardon was given Walker, effective until the normal expiration of his term.

TED COMAS—Lewis and Clark county; possession of narcotics; sentenced May 27, 1936, to two years. War Veterans interested themselves in this case, desiring to place Comas in a sanitarium for treatment. On Oct. 23, 1936, a pardon was granted.

GUYLES LYONS—Cascade county; murder; sentenced Nov. 11, 1924, to life. Investigation was convincing that Lyons' imprisonment had worked a great change for the better. He was highly recommended by the Warden and an officer of the Federal Department of Justice. Many peace officers asked for his release. On Nov. 5, 1936, a pardon was granted.

GEORGE McFADDEN—Lewis and Clark county; carrying concealed weapon; sentenced July 1, 1936, in Justice's court to six months in jail. The Justice and the Deputy County Attorney recommended a pardon and this was given on Nov. 6, 1936.

HARRY PARK—Madison county; second degree murder; sentenced Dec. 20, 1929, to 20 years and one day. The man had been a model prisoner, and the Governor's personal investigation convinced him that reformation had been wrought. The County Attorney offered no opposition to clemency. On Nov. 6, 1936, a pardon was granted.

RUSSELL MALLO—Carbon county; grand larceny; sentenced June 25, 1935, to two years. On recommendation of the County Attorney and Sheriff, and that Mallo might enroll in the CCC, a pardon was granted on Dec. 15, 1936.

#### Commutations

CHARLES H. PENLAND—Lewis and Clark county; third degree assault; sentenced Dec. 28, 1934, to six months in jail. Penland contracted pneumonia after beginning sentence and was at the time under a physician's care. On recommendation of County Attorney and Sheriff sentence was on April 8, 1935, commuted to four months.

JONAS MANIER—Lincoln county; rape; sentenced Nov. 28, 1924, to 20-40 years; escaped and 1½ years added. The prisoner developed cancer of the stomach and in order that he might have treatment outside, sentences were cut to ten years on May 1, 1935.

JAMES M. HUGHES—Pondera county; grand larceny; sentenced Feb. 25, 1933, to three years. Judge, County Attorney and Sheriff asked leniency for Hughes and on Feb. 18, 1936, sentence was cut to one year.

EDWARD G. DALY—Deer Lodge county; rape; sentenced May 19, 1934, to five years. Jurors declared that when they found Daly guilty they had a much lighter sentence in mind, and numerous citizens said that punishment had been sufficient. Sentence was on June 20, 1936, commuted to four years.

ELMO MIX—Fallon county; first degree burglary; sentenced Nov. 14, 1935, to two years. Judge and County Attorney recommended commutation in view of the boy's record, and on July 28, 1936, sentence was reduced to one and a half years.

HARRY DAVID—Roosevelt county; rape; sentenced Nov. 16, 1934, to 20 years. It developed that the term was excessive in view of all the circumstances and Judge and County Attorney recommended consideration. On July 28, 1936, sentence was commuted to 3½ years.

FRED KNABE—Valley county; forgery; sentenced Oct. 16, 1934, to two years. Later he violated a suspended sentence and was committed to prison. Many neighbors of the family petitioned for clemency and in order that the man might take a position open to him the sentence was on Aug. 22, 1936, commuted to one year.

ROSS SCHAFF—Big Horn county; grand larceny; sentenced Sept. 19, 1935, to one year. Violating the suspended sentence he was committed. On recommendation of Judge and County Attorney sentence was cut to eight months on Sept. 12, 1936.

J. M. McLEISH—Cascade county; grand larceny as bailee; sentenced Nov. 12, 1935, to three years. Investigation as to the man's prior record and his family connections prompted action that would give McLeish a chance to make good. Feeling that the lesson had been learned by his year in prison the sentence was on Oct. 16, 1936, commuted to two years.

DAVID CONKLING—Lewis and Clark county; misdemeanor; sentenced Aug. 31, 1936, in Justice's court to six months in jail and fined \$500. Investigation showed that Conkling's offense (exploding dynamite on the slope of Mount Helena) was a thoughtless youthful act, without criminal intent. Clemency was asked by all of the peace officers of city and county. On Nov. 16, 1936, the sentence was cut to 100 days and the fine remitted.

HERBERT GRAY—Richland county; robbery; sentenced May 10, 1929, to 40 years. Gray was 23 years old, the youngest of four committing the robbery. The other three had their freedom and the Judge who sentenced Gray thought it only fair to the prisoner to release him. He had a job waiting for him. On Nov. 17, 1936, the sentence was commuted to 13 years.

ED HOYT—Sweet Grass county; rape; sentenced June 21, 1926, to 30-60 years. It was found that there was reasonable doubt as to Hoyt's guilt. On the ground of sufficient punishment sentence was on Nov. 24, 1936, commuted to 10-20 years.

CHARLES (ROUNDUP) SMITH—Powell county; rape; sentenced Dec. 11, 1930, to 15 years. Developments after conviction indicated that the term was excessive, and on recommendation of the Warden and pleas of others interested the sentence was on Nov. 24, 1936, commuted to six years.

ALBERT L. PIERCE—Flathead county; rape; sentenced Jan. 12, 1934, to 10 years. A letter from the Judge stated that knowledge gained after Pierce's conviction indicated that the sentence was unduly heavy. He and the County Attorney recommended clemency. On Nov. 24, 1936, sentence was commuted to five years.

E. T. SUMNER—Gallatin county; first degree assault; sentenced March 29, 1932, to 12 years. Sumner is 68 years old and in serious physical condition. A sister arranged to have him removed to a hospital and care for him. On Nov. 24, 1936, sentence was cut to eight years. This action was disapproved by the State Board of Pardons.

BERNIECE NELMS—Cascade county; robbery; sentenced Nov. 20, 1934, to 10 years. It was her first offense and Judge and County Attorney recommended favorable action. On November 24, 1936, sentence was commuted to four years.

SIG STAR—Yellowstone county; robbery; sentenced Sept. 4, 1934, to eight years. The young man had got into trouble while on a trip into Montana. He had been a model prisoner and his old employer was holding a job for him. Feeling that his punishment had been sufficient, sentence was on Nov. 24, 1936, cut to four years.

THOMAS LANE—Fallon county; second degree murder; sentenced Dec. 6, 1930, to 35 years. The crime was committed in a drunken fight. Many of Lane's neighbors interceded and members of the jury thought the term excessive. The Warden gave Lane an excellent record. On Nov. 25, 1936, sentence was cut to 12 years.

JESSE ALBERT REETZ—Fergus county; second degree murder; sentenced Nov. 17, 1931, to 20 years. Many prominent people of Reetz' community petitioned for consideration, the Warden recommended the man, and on Nov. 25, 1936, sentence was cut to 10 years.

DAVID ADAMS—Valley county; robbery; sentenced Dec. 8, 1930, to 25 years. Many officials and private citizens of the county asked clemency for Adams, and the presiding Judge offered no objection. On Nov. 25, 1936, sentence was cut to 12 years.

GUS GROVERT—Prairie county; second degree murder; sentenced Sept. 29, 1927, to 25-50 years. County Attorney and other officials asked clemency, along with many other citizens of the county. On Nov. 25, 1936, sentence was commuted to 18-36 years.

JAY WELCH—Lewis and Clark county; second degree murder; sentenced March 8, 1926, to 30-60 years. There was reason for grave doubt as to Welch's guilt. County Attorney and members of the jury voiced their doubts as to Welch's participation in the crime. On the showing made, sentence was on Nov. 27, 1936, cut to 20-40 years.

WILLIAM LANEGAN—Flathead county; attempted rape; sentenced Nov. 16, 1932, to 12 years. Jurors in the case urged a pardon and many of the county people believed Lanegan innocent. Deeming his punishment sufficient, sentence was on Nov. 30, 1936, cut to eight years.

DONALD S. GREEN—Fergus county; robbery; sentenced April 5, 1935, to 10 years. Commutation was recommended by County Attorney and Sheriff, and on Dec. 7, 1936, sentence was commuted to five years.

O. P. DISHMAN—Mineral county; grand larceny; sentenced Feb. 17, 1936, to two years. He had lived in Montana many years, had never been in trouble before, and the Judge who sentenced him was favorably inclined to commutation. On Dec. 8, 1936, sentence was cut to 20 months.

JAMES SMEE—Phillips county; second degree murder; sentenced Dec. 5, 1930, to 30 years. The crime was committed in a drunken brawl and without criminal intent. County Attorney and all living members of the jury petitioned in Smees' behalf and on Dec. 15, 1936, sentence was commuted to 12 years.

H. B. LAKE—Cascade county; grand larceny as bailee; sentenced Feb. 28, 1935, to five years. Lake is 64 years old and had borne an excellent reputation up to the time of this trouble, which involved the brokerage business of H. B. Lake & Co. On the strength of representations of at least one of the creditors and in the belief that Lake's term had been sufficient punishment sentence was on Dec. 30, 1936, commuted to 2½ years.

BERNA R. WELCH—Custer county; second degree murder; sentenced May 19, 1929, to 40 years. Welch pleaded guilty, having no counsel, and it was insisted by many that his punishment was excessive. The County Attorney recommended commutation and on Dec. 30, 1936, the sentence was diminished to 15 years.

A. E. ROBINSON—Carter county; rape; sentenced Dec. 15, 1932, to 35 years. Many citizens of his county including former Sheriff McLean, Senator John Oliver and others, appealed on behalf of the prisoner. There was an affidavit by the complaining witness to the effect that she was compelled to sign the charge against her father under threats of commitment to the Vocational School. In view of all the circumstances, the man's

record before his arrest and the report of the Warden, sentence was on Dec. 31, 1936, cut to eight years.

### Fines Remitted.

GEORGE HINGHAM—Chouteau county; third degree assault; sentenced Oct. 11, 1934, to six months in jail and fined \$200. He had served his term, was unable to pay the fine, and the Justice who sentenced him recommended consideration. On April 11, 1935, fine was remitted.

HORACE GRIFFIN—Gallatin county; third degree assault; sentenced to pay a fine of \$120. Griffin while intoxicated struck an officer. It appeared that payment of the fine might cost him his job in a CCC camp and would deprive his family of needed financial aid, and on April 11, 1935, the fine was remitted.

FRANK STIFF ARM—Blaine county; drunken driving; sentenced Sept. 26, 1935, in Justice's court to six months in jail and fined \$300. Having served his term and being unable to pay the fine, on recommendation of the County Attorney the fine was remitted on Feb. 3, 1936.

JAMES E. BRENNAN—Silver Bow county; selling morphine hydrochloride; sentenced July 12, 1930, to 10 years and fined \$3,000. He had served his time and more than a year on the fine. On recommendation of Judge and County Attorney the unpaid portion of the fine was remitted on April 9, 1936.

JOSEPH J. BRENNAN—Hill county; unlawfully keeping liquor for sale; sentenced Nov. 7, 1936, to 30 days in jail and fined \$150. It was shown that Brennan was not employed in the place where he was arrested, and it was felt that the imprisonment would be sufficient punishment. On Nov. 10, 1936, the fine was remitted.

### Transfers.

FREDERICK DUPONT and PETER MASSETT—Deer Lodge county; burglary; sentenced March 7, 1936, to six years. The boys were under 16 years of age. Feeling that they should not be confined in the State prison, their sentence was on March 10, 1936, commuted to six years in the State Industrial School.

BY ACTING GOVERNOR W. P. PILGERAM.

### Commutations.

A. N. LONGFELLOW—Chouteau county; grand larceny; sentenced Feb. 15, 1935, to one year. Numerous citizens of the county appealed in his behalf, and feeling that punishment had been sufficient to atone for the offense the sentence was on June 10, 1935, commuted to six months.

L. R. DAEMS—Wheatland county; forgery; sentenced Nov. 22, 1934, to three years. His family was badly in need of his support, and upon the appeal of many of the people of his community who felt that his imprisonment had been sufficient, the sentence was on June 12, 1935, reduced to one year.

---

Mr. Speaker appointed Haight, Toomey, Miller (Big Horn), Kruse and Heavlin, as the Committee to prepare and submit suitable resolutions memorializing the members of the Twenty-fourth Legislative Session who have passed away.

Mr. Speaker appointed Metlen, Hedden, and Lasby as the Committee to act with a like committee of the Senate to draw up suitable resolutions on the death of former Governor Frank H. Cooney.



Mr. Speaker named the following committees:

Judiciary: Stromnes of Cascade, Chairman, Alvord of Sanders, Vice Chairman, Stortz of Rosebud, Metcalf of Ravalli, Toomey of Lewis and Clark, Measure of Flathead, Hoiness of Yellowstone, Smith of Lewis and Clark, Ruffcorn of Valley, Lasby of Broadwater, O'Connor of Carbon, Haight of Fergus, Kruse of Garfield, Bjorneby of Flathead, Heavlin of Missoula.

Mines and Mining: Joffray of Jefferson, Chairman, Chatham of Silver Bow, Vice Chairman, Dougherty of Powell, Sorte of Daniels, Bower of Mineral, Jackson of Madison, Freshman of Silver Bow, Scott of Musselshell, Padbury of Lewis and Clark, Campbell of Cascade, Longenecker of Ravalli, Heavlin of Missoula, Bjorneby of Flathead, O'Connor of Carbon, Ruffcorn of Valley.

Fish and Game: Lemmer of Cascade, Chairman, Levissee of Lake, Vice Chairman, Bloom of Carbon, D'Ewart of Park, Wenger of Deer Lodge, Holecek of Fergus, Kelson of Toole, Miles of Sweet Grass, Scofield of Powder River, Heavlin of Missoula, Johnson of Dawson, Miller of Big Horn, Chatham of Silver Bow, Cusick of Flathead, Ijams of Cascade.

Conservation of Resources: Chatham of Silver Bow, Chairman, Tyler of Sheridan, Vice Chairman; Phelan of Yellowstone, DeDobbeleer of Valley, Holecek of Fergus, Parker of Wibaux, Scott of Musselshell, Stimatz of Silver Bow, Anderson of Lincoln, Bloom of Carbon, Ijams of Cascade, Miles of Sweet Grass, Bower of Mineral, Crouse of Gallatin, Reed of Blaine.

Aviation: Lehrkind of Gallatin, Chairman, Levissee of Lake, Vice Chairman, Metcalf of Ravalli, Daly of Yellowstone, Stromnes of Cascade, Hoiness of Yellowstone, Lovell of Deer Lodge, Smith of Lewis and Clark, Lemmer of Cascade, Hess of Hill, Freshman of Silver Bow, Campbell of Cascade, Stimatz of Silver Bow, Minette of Glacier, McKenna of Judith Basin.

Irrigation and Water Rights: Conner of Teton, Chairman, Phelan of Yellowstone, Vice Chairman, Haugan of Stillwater, Miller of Roosevelt, Sherman of Meagher, Lehrkind of Gallatin, Anderson of Phillips, Longenecker of Ravalli, Peterson of Pondera, Acher of Blaine, D'Ewart of Park, Mungas of Granite, Metlin of Beaverhead, Jackson of Madison, Alvord of Sanders.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Employment, having had under consideration applicants for employment, beg to submit the following appointments:

Assistant to Chief Clerk.....	W. P. Pilgeram
Clerk .....	Gordon Redpath
Clerk .....	Norris Forrest
Clerk .....	Maurice Higgins
Clerk .....	Karl Graft
Proofreader to Printing Clerk.....	Burton Carey
Proofreader .....	Tobias Viggi
Typist .....	Morine G. Renshaw
Watchman .....	John Presbo
Watchman .....	H. P. Burke
Wachman .....	S. O. Brady
Janitor .....	Chad Brown
Janitor .....	S. A. Henderman
Janitor .....	Clifford Foster
Typist .....	Genevieve Venne
Doorkeeper .....	Rav Roop
Stenographers—Mabel Forsman, Lucille Hoosier, A'vina Smith, A'vina Cusker, Bern'ce Bosley, Patricia Corley, Edith Pruner.	

BRENNAN, Chairman.

Report adopted.



## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House Bill No. 4 as amended.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

## INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to committees:

House Bill No. 7, introduced by Finnegan: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana for 1921, as amended by Section 1 of Chapter 103, of the Montana Session Laws of 1933, and to repeal Section 3, of Chapter 158, Session Laws of 1931, and amending Chapter 38 of the Extraordinary Session Laws of the Twenty-third Legislative Assembly of the State of Montana, relating to registration and registration fees of motor vehicles and dealers thereof, and distribution of the revenues therefrom." Referred to Committee on Highways, when appointed.

House Bill No. 8, introduced by Ruffcorn and Mackie: A Bill for an Act entitled: "An Act to permit real property to be redeemed from tax sale by paying the original tax, provided such original taxes be paid on or before December 1, 1938, and relating to the time of taking Tax Deed." Referred to Committee on Revenue and Taxation, when appointed.

House Bill No. 9, introduced by Anderson (Phillips), Hamilton, and Peterson (Sheridan): A Bill for an Act entitled: "An Act to amend Section 2231, Revised Codes of Montana, 1921, relating to assessment and sale of real estate for taxes." Referred to Committee on Revenue and Taxation, when appointed.

House Joint Memorial No. 1, introduced by Finnegan and Mackie: A Memorial to the Congress of the United States requesting enactment of legislation for a National Lottery to supplement Old Age Pension allowances; or to secure modification of Postal Regulations so that state governments could enact lottery systems for supplementing Old Age Pension payments, and for their General Funds. Referred to Committee on Social Security.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed at 2:00 o'clock P. M. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Longenecker: A Bill for an Act entitled: "An Act to repeal Sections 2639.1, 2639.2, 2639.3, 2639.4, 2639.5, 2639.6, 2639.7, 2639.8, 2639.9, 2639.10, 2639.11, 2639.12 and 2640, of Chapter 241, the same being all of Chapter 241 of the Revised Codes of Montana of 1935; providing also for the immediate dissolution of the "Board" created by the Act, for a final examination of the Officers of the "Board," and providing for the disposition of the Funds and Properties of the Milk Control Board."

By Anderson of Silver Bow: "An Act regulating the operation of railroads within the State of Montana, limiting the length of freight and passenger trains and providing penalties for the violation of this Act."

By Stromnes, Alvord, Toomey, and Spiegel: "An Act to approve, legalize and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89, Laws of Montana, 1933, continued by Chapter 13, Laws of Montana, 1935, and published by authority of Chapter 161, Laws of Montana, 1935."

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the Chairmen of the Appropriation, Judiciary, and Revenue and Taxation committees be empowered to each appoint a clerk for their respective committees.

It was moved by Spiegel, duly seconded, that House Rule Nine be amended to change the name of the Committee on Highways to Highways and Highway Transportation. Motion referred to Committee on Rules, Joint Rules and Order of Business.

It was moved by Spiegel, duly seconded, that House Rule Nine be amended to change the name of the Committee on Railroads and Transportation to Railroads and Railroad Transportation. Motion referred to Committee on Rules, Joint Rules and Order of Business.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders.

Monahan in the Chair, Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bill No. 4, recommend that they be concurred in.

MONAHAN, Chairman.

Report adopted.

### THIRD READING

House Bill No. 4, having been read three several times at length, history and title agreed to, was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlin, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Rolph, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 92.

Noes: Goodwin, Miles. Total 2.

Absent and not voting: Anderson (Chouteau), Hamilton, Love, McLeod, Minette, Mungas, Trandum, Joffray. Total 8.

### REPORT OF STANDING COMMITTEES

Committee on Enrolling reported House Bill No. 4 correctly enrolled.

I have examined Enrolled House Bill No. 4, introduced by the Appropriation Committee, and find the same to be correct.

MANNING, Chairman,  
Appropriation Committee.

It was moved by Spiegel, duly seconded and carried that the House adjourn until 10:00 o'clock A. M., Friday morning, January 8th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### FIFTH DAY

House of Representatives,  
Helena, Montana,  
January 8th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Joffray, Lippard and Trandum.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the fourth legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

The Speaker signed in open session House Bill No. 4.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By McLeod: A Bill for an Act entitled: An Act providing for the creation of a separate department of Labor and Industrial relations, prescribing its powers and duties."

By Daly: A Bill for an Act entitled: "An Act relating to foods; to provide for the public health and safety by licensing places where food is prepared for human consumption, to be consumed on the premises; providing regulations, restrictions and conditions under which food may be prepared and sold for consumption therein; providing for the administration, disposition of funds and penalties for the violation of the provisions of this Act."

By Phelan and Hoiness: A Bill for an Act entitled: "An Act defining the title conveyed by tax deed issued for real property sold for non-payment of taxes and assessments, or either of them, after the date of the passage and approval of this Act and repealing all Acts and Parts of Acts in conflict herewith."

By Johnson: A Bill for an Act entitled: "An Act prohibiting employees employed by the State of Montana, or Departments thereof from accepting any remunerative employment from the State of Montana during any leave of absence."

By Stromnes, Alvord, Toomey, Spiegel: A Bill for an Act entitled: "An Act to approve, legalize, and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89, Laws of Montana, 1933, continued by Chapter 13, Laws of Montana, 1935 and published by authority of Chapter 161, Laws of Montana, 1935."

By Spiegel, by request: A Bill for an Act entitled: "An Act to amend Sections 2816, 2841, 2843, 2898, 2911 and 2981 of the Revised Codes of Montana of 1935 and to repeal Sections 2978, 2979, 2980, 2982, 2983, 2984, 2985, 2986, 2987, 2988 and 2989 of the Revised Codes of Montana of 1935; all relating to workmen's compensation; and to repeal all Acts and parts of Acts in conflict herewith, with certain reservations."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration a Motion that House Rule No. 9 be changed as follows, "I move that Rule No. 9 be amended to change the name of the Standing Committee on Highways to the following: 'Highways and Highway Transportation.'" Respectfully report as follows: Be concurred in.

SPIEGEL, Chairman.

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration a Motion that House Rule No. 9 be changed as follows: "I move that Rule No. 9 be amended to change the name of the Standing Committee on Railroads and Transportation to 'Railroads and Railroad Transportation.'" Respectfully report as follows: Be concurred in.

SPIEGEL, Chairman.

Mr. Speaker: We, your Committee on employment, having had under consideration applicants for employment, beg to submit the following appointments:

Janitors—J. G. Grady, Earl D. Drost, A. E. Longmore, W. P. McEaney.

Stenographers—Sara Byrne, Mabel J. Munroe, Ann Jones, Jennie Halowell, Lillian Cooper, Edith Royalty, Loretta McCarthy, Agnes Rielly, Stella Stewart, Rosemary Bailey, Marian Olson, Eda Obert, LaVerne Lyons, Helen McCabe, Lillian Manion, Alice Richardson, Margaret Jarrett, Dolores Ellers, Dorothy Jenkins, Mamie O'Connell, Molley Boyer, Mabel Hoge, Beatrice Hennes, John D. Geiman, Marie Brown, Verna Arthurn, Permilla Shea, Marie Stefanac, Esther LaHood, Kathleen Morrison, Dorothy Cooper.

Clerks—Vic Mesner, Donald Kindschy, William Frazer, Al Vanek, M. Fouts, Tom Neilson, V. P. Reiter, Alfred Heikkila, John Zouk, H. Greiger, Charles Littleton, C. W. Michalson, David Murphy, Jr., Kenneth Barry, Bill Busch, William Kingston, James Hurst, Isaac R. Green, C. G. Cameron, Edna Woly, John Maddock, Ed Lynch, Harry Peterson, John A. Buller, Bill Dorrington.

Proofreaders—Charles Pichette, H. H. Hughes, Minnie Lyons, Harriett Kennedy, Albert Thompson, Lucy Barovich, Bernard W. Thomas, Nelson Miller, Sigrid Bortvedt, Charles E. Reed, Naoma Colby.

Typist—Charles Wilson.

Reading Clerk—Mickey Walsh.

Watchman—Reverend Hagan.

Door Keeper—William Hoback.

Pages—Gilbert McMullen, Louis Leathers, James Haffey.

Elevator Operator—Stella Begovich.

BRENNAN, Chairman.

Report adopted.

## MESSAGE FROM THE GOVERNOR

A Message was read from the Governor announcing that he had approved House Bill No. 4.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded that House Rule No. 36 be amended to read 700 copies of printed bills instead of 500 copies. Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by Masterson and Stortz, duly seconded and carried that, "The Speaker of the House of Representatives and the President of



the Senate be directed to appoint three members from the respective legislative body over which each presides and which joint House and Senate committee will meet with a representative of the Works Progress Administration of Montana, duly selected by the Works Progress Administration of Montana and one duly selected by the Director of Public Works for this State and with a representative of the Montana Relief Commission duly selected by the Chairman of the Montana Relief Commission and that such joint committee of nine formulate and devise the most effective method or methods whereby the attention of the President of the United States, the Director of Public Works and the Works Progress Administrator of the United States be directed to the grossly inadequate and insufficient supply of food, clothing, shelter and medicinal supplies now available for the unemployed of Montana's drouth stricken areas and the bitter suffering and the acute want resulting therefrom and the urgent necessity of Federal aid and assistance to alleviate the same."

### INTRODUCTION OF BILLS

The following bills were introduced, read first and second time and referred to Committees:

House Bill No. 10, introduced by Fairs and Exposition Committee; Hamilton, Chairman: A Bill for an Act entitled: "An Act to provide State financial aid to County and District Agricultural Fairs and providing for the presentation, examination and payment of claims therefor." Referred to Committee on Fairs and Expositions.

House Bill No. 11, introduced by Brayman, Metcalf, Anderson of Silver Bow, Anderson of Lincoln, Anderson of Chouteau, Alvord, Nelson: A Bill for an Act entitled: "An Act to amend Chapter 69, Sections 715-716-717-720-726-729-734 of the 1935 Revised Codes of Montana. To include qualified Electors physically unable to present themselves at voting precincts and providing a form of certificate of disability." Referred to Committee on Privileges and Elections, when appointed.

House Bill No. 12, introduced by Peterson of Pondera and Ruffcorn: A Bill for an Act entitled: "An Act requiring public utilities to file an annual statement of the value of all property for rate making purposes and prescribing the method of assessing such properties for taxation." Referred to Committee on Revenue and Taxation, when appointed.

House Bill No. 13, introduced by Anderson of Silver Bow, Cusick, Hess, Brayman, Metcalf, Lehrkind, Peterson of Pondera, Campbell, Lemmer, Alvord, Eggenberger, Masterson, Stortz, Johnson, Dougherty and Mackie: A Bill for an Act entitled: "An Act regulating the operation of Railroads within the State of Montana, limiting the length of freight and passenger trains and providing penalties for the violation of this Act." Referred to Committee on Railroads and Railroad Transportation, when appointed.

House Bill No. 14, introduced by Chamberlain and Others: A Bill for an Act entitled: "An Act providing for the greater Security for the payment of salaries and wages by employers engaged in the business of extracting, or of extracting and refining or reducing metals and minerals or mining for coal or drilling for oil, except such employers who have a free and unencumbered title to the fee of the property being worked." Referred to Committee on Labor.

House Bill No. 15, introduced by Chamberlain and Others: A Bill for an Act entitled: "An Act to amend Section 7726 of the Revised Codes of Montana of 1935 relative to the maximum rate of Interest." Referred to Committee on Banks and Banking.

### NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day introduce the following:



By Burns: A Resolution memorializing the Congress of the United States to enact into Law, the Townsend Recovery Plan.

Mr. Speaker announced the following committees:

Education: Haight of Fergus, Chairman, Schneider of Fallon, Vice Chairman, Lippard of Chouteau, Cruickshank of Gallatin, O'Connor of Carbon, Hamilton of Phillips, Jackson of Madison, Lambert of Hill, Alvord of Sanders, Longenecker of Ravalli, Minette of Glacier, Conner of Teton, Goodwin of Silver Bow, Kruse of Garfield, Masterson of Custer.

State Lands: Miller of Big Horn, Chairman, Metlen of Beaverhead, Vice Chairman, Whaley of Prairie, Scofield of Powder River, Haugan of Stillwater, Sorte of Daniels, Wood of Carter, Anderson of Phillips, Alvord of Sanders, Stromnes of Cascade, Schneider of Fallon, Bjerneby of Flathead, Crouse of Gallatin, Masterson of Custer, Miles of Sweet Grass.

Railroads and Railroad Transportation: Holecek of Fergus, Chairman, Cusick of Flathead, Vice Chairman, Dougherty of Powell, Brayman of Missoula, Measure of Flathead, Lemmer of Cascade, Bower of Mineral, Love of Custer, Anderson of Silver Bow, Joffray of Jefferson, Miles of Sweet Grass, Stortz of Rosebud, Chamberlain of McCone, Lovell of Deer Lodge, Hamilton of Phillips.

Labor: Mulholland of Silver Bow, Chairman, Joffray of Jefferson, Vice Chairman, Daly of Yellowstone, DeDobbeleer of Valley, Finnegan of Deer Lodge, Eggenberger of Wheatland, Chamberlain of McCone, O'Shea of Carbon, McLeod of Cascade, Bower of Mineral, Anderson of Silver Bow, Stimatz of Silver Bow, Burns of Flathead, Scott of Musselshell, McClain of Missoula.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until Monday afternoon, January 11th, 1937, out of respect to the late Governor Frank H. Cooney.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## EIGHTH DAY

House of Representatives,  
Helena, Montana,  
January 11th, 1937.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members were present except the following who were excused: Acher, Bower, Eggenberger, Lehrkind, Stromnes, and Tyler.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the fifth Legislative Day, find the same to be correct.

HAIGHT, Vice Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Haight and Stortz: A Bill for an Act entitled: "An Act providing for the submission of an Amendment to the Constitution of the State of Montana relating to the legislative authority thereof by amending Sections 1, 2, 3, 4, 5, 6, 7, 9, 12, 16, 19, 21, 22, 24, 40, and 45 of Article V, and repealing Sections 8, 10, 11, 13, 14, 27, and 32 of Article V and Section 2,

3, 4, 5 and 6 of Article VI of such Constitution; providing for a one house legislature."

By Bjorneby: A Bill to reduce the membership of the House of Representatives by approximately 25% of the present number of members.

By Alvord: A Bill for an Act entitled: "An Act to amend Section 866 of the Revised Codes of Montana of 1921 and Section 866 of the Revised Codes of Montana of 1935, relating to charges for tuition fees and other expenses for students at the Montana State University."

By Conner: A Bill for an Act entitled: "An Act to empower and authorize the Board of Commissioners of irrigation districts to spend district funds in controlling perennial noxious weeds."

By Miles, Masterson, and Stortz: A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this state, the classifying of such stores, prescribing the license and filing fees to be paid therefor and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith; and prescribing penalties for the violation thereof."

By Joffray: "An Act legalizing the sale of liquor at retail by the drink or container, and empowering, authorizing and directing the Montana Liquor Control Board to issue licenses for such retail sale of liquor, and providing to whom such licenses may be issued, and prescribing fees and regulations for the issuance of the same, and penalties for a violation of this Act."

By Scott and Stortz: "An Act to amend Sections 3486, 3501, and 3504 of the Revised Codes of Montana of 1935."

By McClain and Metcalf: A Bill for an Act entitled: "An Act to provide for the labelling of new motor vehicles that have been driven, pushed, or towed or otherwise propelled before sale, and requiring that dealers in such motor vehicles provide a Certificate showing the actual mileage such motor vehicle has travelled on its own wheels."

By Levissee: A Bill for an Act entitled: "An Act to amend Sections 44 and 45, Revised Codes of Montana, 1935, relative to the apportionment of membership of the House of Representatives, said amendment providing for a reapportionment based on the 1930 census on a ratio of one representative for each eight thousand population, or major fraction thereof."

By Ruffcorn, DeDobbeleer and Peterson (Pondera): A Bill for an Act entitled: "An Act to amend Section 1998 of the Revised Codes of Montana of 1935, relating to exemptions from taxation."

By Ruffcorn: An Act relating to the sale of cigarettes, and cigarette papers, and wrappers and papers used and prepared for the making of cigarettes, and imposing taxes thereon; and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof, and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials, and designating the funds into which the proceeds derived from such licenses and stamps shall be paid.

By Measure: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana amendments to Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 21, 24, 27, 28, 32, 40, 41, 45, of Article V, of the Constitution of Montana, relating to the legislative authority of the State of Montana, and providing that beginning with the regular session of legislature in 1941, the legislative authority of the State of Montana shall be vested in a legislature consisting of one

house of not more than eighty members, and providing for the election of the members of this legislature, their term of office, salaries; and, providing for the powers, duties and sessions of said legislature and providing further that all provisions in the constitution and laws of the state relating to the Legislature, Senate, House of Representatives and the joint sessions thereof to mean, in so far as applicable, said legislature of one house: And, providing for the repeal of Sections 3, 4, 5, and 6 of Article VI of the Constitution of the State of Montana, and providing for the repeal of all Acts or parts of Acts and constitutional provisions in conflict herewith."

By Reed, Acher, Hoiness and Tyler: "An Act to establish a State Commission for improving the condition of the blind and for the prevention of blindness in the State of Montana, and to prescribe the powers and duties thereof."

By McLeod, Campbell, Ijams, Shanley, Lemmer, Anderson (Silver Bow), Anderson (Chouteau), and Lippard: "An Act to amend Section 12288 of the Revised Codes of Montana of 1935 relating to the appointment, salary and duties of probation officers, to juvenile delinquents and to court procedure."

By Love: A Bill for an Act entitled: "An Act to amend Section 4929 of the Revised Codes of Montana of 1935, relating to the salaries of Justices of the Peace in certain townships, their office hours and quarters."

#### REPORT OF SELECT COMMITTEES

Mr. Speaker: We, your select committee, appointed to act with a like committee from the Senate to draft resolutions on the death of the late Frank H. Cooney; beg leave to report these resolutions.

METLEN,  
HEDDEN, and  
LASBY.

#### JOINT RESOLUTION

##### JOINT RESOLUTION UPON THE DEATH OF FRANK H. COONEY, LATE GOVERNOR OF THE STATE OF MONTANA

Frank H. Cooney, late Governor of the State of Montana, was born in Norwood, Ontario, Canada, on December 31, 1872, and died at Great Falls, Montana, on December 15, 1935. He received his education in the public schools of Ontario and came to Montana, selecting Butte as his residence in July 1891, and continually resided in Montana thereafter. He sought his occupation in the grocery business, which occupation he followed up until he became Governor of the State of Montana. Governor Cooney was married on December 27, 1889, and was the father of six children. In religion Governor Cooney was Roman Catholic, and in politics, a tried and true Democrat. His interest in Montana has developed over forty years of residence, which was shown by his actions as Governor in behalf of the people and the farmers in the State of Montana. He was unselfish as Governor and personal ambitions were least in his thoughts in considering legislation and in his private actions. He was Lieutenant Governor from January 4, 1933, to March 13, 1933, and from March 13, 1933, to the time of his death, December 15, 1935, he was Governor of the State of Montana. On December 15, 1935, Governor Cooney was called to the Great Beyond and left a memory of his action as a public servant in the minds of the people of the State of Montana. Of him it was truly said, "Those who knew him best, loved him most." He was loyal to his friends. What is more worthy? He was a fighter for all he believed in. What more can a good warrior do? He was a devoted husband and father; is there anything finer in America? He was a gentleman, a loyal patriotic son, a chief executive that Montana may be proud to honor and revere in the years to come;



NOW THEREFORE, BE IT RESOLVED, by the Senate of the State of Montana and the House of Representatives jointly that the State of Montana has suffered a great loss in the passing of Frank H. Cooney:

NOW THEREFORE, BE IT FURTHER RESOLVED, by the Senate of the State of Montana and the House of Representatives, jointly, that we extend our sincere sympathy to the family of the late Frank H. Cooney, and that a copy of these resolutions be sent to his family and read in the Senate and House and be spread in full in the House and Senate Journals.

Committee for the Senate  
HARRY MEYER  
W. E. KEELEY  
H. A. SIMMONS

President of the Senate  
HUGH R. ADAIR

Committee for the House  
JOE METLEN  
H. T. HEDDEN  
W. D. LASBY

Speaker of the House  
H. D. ROLPH

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that in pursuance of the motion by Masterson and Stortz and at the request of the House, the President of the Senate this day named the following Senators to act on the Joint Committee to meet with PWA, WPA and Montana Relief Commission representatives to direct the attention of the National government to the needs of the people in Montana's drought stricken areas: Sullivan (Chouteau), Anderson and Oliver.

Respectfully,  
GEORGE A. BURR, Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegall, duly seconded, that Rule Nine be amended to strike from the list of committees the following: Committee on Internal Improvements, Committee on Waterways and Navigation, Committee on Libraries and Committee on Improvements and Manufacturing. Motion referred to the rules committee.

The Speaker announced the following committees:

Public Morals, Charities and Reforms: Campbell of Cascade, Chairman, Mitchell of Silver Bow, Vice Chairman, Peterson of Pondera, Johnson of Dawson, Lovell of Deer Lodge, Sherman of Meagher, Chatham of Silver Bow, Anderson of Chouteau, Wood of Carter, Wenger of Deer Lodge, Stimatz of Silver Bow, Schneider of Fallon, Padbury of Lewis and Clark, Reed of Blaine, D'Ewart of Park.

New Counties and Divisions: Tyler of Sheridan, Chairman, Shanley of Cascade, Vice Chairman, Acher of Blaine, Scofield of Powder River, Phelan of Yellowstone, O'Connor of Carbon, Mulholland of Silver Bow, Minette of Glacier, Measure of Flathead, McLeod of Cascade, McClain of Missoula, Love of Custer, Lehrkind of Gallatin, Leeson of Roosevelt, Kruse of Garfield.

Public Safety: Daly of Yellowstone, Chairman, Bower of Mineral, Vice Chairman, Cruickshank of Gallatin, Reed of Blaine, Anderson of Silver Bow, Anderson of Phillips, Bloom of Carbon, Brayman of Missoula, Brennan of Richland, Burns of Flathead, Chatham of Silver Bow, Connor of Teton, DeDobbeleer of Valley, D'Ewart of Park, Goodwin of Silver Bow.

State Institutions, Public Buildings and Grounds: Shanley of Cascade, Chairman, Hamilton of Phillips, Vice Chairman, Stortz of Rosebud, Elliott of Missoula, Schneider of Fallon, Lippard of Chouteau, Acher of Blaine, Alvord of Sanders, Smith of Lewis and Clark, Sorte of Daniels, Trandum of Yellowstone, Tyler of Sheridan, Wood of Carter, Whaley of Prairie, Lovell of Deer Lodge.

Development and Publicity: Schneider of Fallon, Chairman, Masteron of Custer, Vice Chairman, Mackie of Fergus, Phelan of Yellowstone, Peterson of Sheridan, Peterson of Pondera, Padbury of Lewis and Clark, Miller of Big Horn, O'Shea of Carbon, McClain of Missoula, Leeson of Roosevelt, Lambert of Hill, Joffray of Jefferson, Heavlin of Missoula, Haugan of Stillwater.

State Boards and Officers: Mitchell of Silver Bow, Chairman, Campbell of Cascade, Vice Chairman, Wood of Carter, Whaley of Prairie, Stimatz of Silver Bow, Tyler of Sheridan, Trandum of Yellowstone, Toomey of Lewis and Clark, Sherman of Meagher, Scott of Musselshell, Schneider of Fallon, Ruffcorn of Valley, Nelson of Golden Valley, Parker of Wibaux, O'Shea of Carbon.

Economy: Peterson of Sheridan, Chairman; DeDobbeleer of Valley, Vice Chairman, Lehrkind of Gallatin, Hess of Hill, Leeson of Roosevelt, Haugan of Stillwater, Anderson of Chouteau, Anderson of Lincoln, Bower of Mineral, Burns of Flathead, D'Ewart of Park, Eggenberger of Wheatland, Levisee of Lake, Lemmer of Cascade, Mackie of Fergus.

Public Health and Sanitary Affairs: Ijams of Cascade, Chairman, Love of Custer, Vice Chairman, Mitchell of Silver Bow, Waldrop of Petroleum, Minette of Glacier, Padbury of Lewis and Clark, Lovell of Deer Lodge, Miles of Sweet Grass, Cruickshank of Gallatin, Heavlin of Missoula, Vanek of Fergus, Measure of Flathead, Hamilton of Phillips, Freshman of Silver Bow, Bower of Mineral.

Privileges and Elections: Bjorneby of Flathead, Chairman, Hardcastle of Silver Bow, Vice Chairman, Miller of Roosevelt, Miller of Big Horn, O'Connor of Carbon, Stimatz of Silver Bow, Nelson of Golden Valley, Acher of Blaine, Crouse of Gallatin, Daly of Yellowstone, Green of Dawson, Haugan of Stillwater, Love of Custer, Minette of Glacier, Shanley of Cascade.

Printing: Mackie of Fergus, Chairman, Wood of Carter, Lovell of Deer Lodge, Waldrop of Petroleum, Leeson of Roosevelt.

Petroleum, Oil and Gas: Minette of Glacier, Chairman, Schneider of Fallon Vice Chairman, Hoiness of Yellowstone, Kelson of Toole, Waldrop of Petroleum, Peterson of Pondera, Haugan of Stillwater, Anderson of Phillips, Crouse of Gallatin, Love of Custer, Mitchell of Silver Bow, Scofield of Powder River, Ruffcorn of Valley, Daly of Yellowstone, McClain of Missoula.

Ways and Means: Hedden of Yellowstone, Chairman, Elliott of Missoula, Vice Chairman, Lasby of Broadwater, Freshman of Silver Bow, Haight of Fergus, Kruse of Garfield, Lambert of Hill, Acher of Blaine, Hardcastle of Silver Bow, Ijams of Cascade, Crouse of Gallatin, Metcalf of Ravalli, Scott of Musselshell, Tyler of Sheridan, Green of Dawson.

Horticulture: Metcalf of Ravalli, Chairman, Nelson of Golden Valley, Vice Chairman, Peterson of Sheridan, Schneider of Fallon, Bloom of Carbon, Vanek of Fergus, Brayman of Missoula, Anderson of Chouteau, Campbell of Cascade, Phelan of Yellowstone, Joffray of Jefferson, Conner of Teton, McKenna of Judith Basin, Parker of Wibaux, Haugan of Stillwater.

Public Utilities and State Commissions: Monahan of Park, Chairman, Stortz of Rosebud, Vice Chairman, Toomey of Lewis and Clark, Metcalf of Ravalli, Peterson of Pondera, Burns of Flathead, Lambert of Hill, McLeod of Cascade, Mulholland of Silver Bow, Green of Dawson, Dough-



erty of Powell, Leeson of Roosevelt, Mackie of Fergus, Trandum of Yellowstone, Tyler of Sheridan.

Revenue and Taxation: Metlen of Beaverhead, Chairman, Holecek of Fergus, Vice Chairman, Mitchell of Silver Bow, Masterson of Custer, Stortz of Rosebud, Ruffcorn of Valley, Campbell of Cascade, Peterson of Sheridan, Cusick of Flathead, Peterson of Pondera, Lasby of Broadwater, Kruse of Garfield, Chamberlain of McCone, Padbury of Lewis and Clark, Joffray of Jefferson.

Social Security: Stortz of Rosebud, Chairman, Wenger of Deer Lodge, Vice Chairman, Elliott of Missoula, Stimatz of Silver Bow, Eggenberger of Wheatland, McClain of Missoula, Trandum of Yellowstone, Minette of Glacier, Kelson of Tool, Holecek of Fergus, Dougherty of Powell, D'Ewart of Park, Cohen of Silver Bow, Hamilton of Phillips, Mackie of Fergus.

Federal Relations: Wenger of Deer Lodge, Chairman, Vanek of Fergus, Vice Chairman, Waldrop of Petroleum, Metlen of Beaverhead, Lasby of Broadwater, Tyler of Sheridan, Stromnes of Cascade, Stimatz of Silver Bow, Smith of Lewis and Clark, Sherman of Meagher, Scott of Musselshell, O'Shea of Carbon, Nelson of Golden Valley, Mungas of Granite, Mackie of Fergus.

Highways: Cusick of Flathead, Chairman, Heavlin of Missoula, Vice Chairman, Minette of Glacier, Shanley of Cascade, Mackie of Fergus, Anderson of Silver Bow, Lambert of Hill, Parker of Wibaux, Anderson of Lincoln, Leeson of Roosevelt, Hoiness of Yellowstone, Eggenberger of Wheatland, Anderson of Phillips, Love of Custer, Finnegan of Deer Lodge.

Corporations Other Than Municipal: Freshman of Silver Bow, Chairman, Burns of Flathead, Vice Chairman, Toomey of Lewis and Clark, Anderson of Lincoln, Brayman of Missoula, Cohen of Silver Bow, Conner of Teton, Crouse of Gallatin, D'Ewart of Park, Green of Dawson, Heavlin of Missoula, Ijams of Cascade, Levisee of Lake, McKenna of Judith Basin, Metcalf of Ravalli.

Equal Suffrage: Cruickshank of Gallatin, Chairman, Anderson of Chouteau, Vice Chairman, Bjorneby of Flathead, Brennan of Richland, Campbell of Cascade, Chamberlain of McCone, Cohen of Silver Bow, Dougherty of Powell, Goodwin of Silver Bow, Haugan of Stillwater, Hess of Hill, Hardcastle of Silver Bow, Hoiness of Yellowstone, Jackson of Madison, Kelson of Toole.

Livestock and Public Ranges: Sherman of Meagher, Chairman, Miller of Big Horn, Vice Chairman, Phelan of Yellowstone, D'Ewart of Park, Wood of Carter, Mungas of Granite, Nelson of Golden Valley, Love of Custer, Hamilton of Phillips, Reed of Blaine, Scofield of Powder River, Miles of Sweet Grass, Waldrop of Petroleum, Metlen of Beaverhead, Lipard of Chouteau.

Workmen's Compensation: Finnegan of Deer Lodge, Chairman, Spiegel of Silver Bow, Vice Chairman, Anderson of Lincoln, Daly of Yellowstone, DeDobbeleer of Valley, Smith of Lewis and Clark, Bloom of Carbon, McLeod of Cascade, Burns of Flathead, Mackie of Fergus, Mitchell of Silver Bow, Eggenberger of Wheatland, Lasby of Broadwater, Elliott of Missoula, Anderson of Silver Bow.

Insurance: Johnson of Dawson, Chairman, Whaley of Prairie, Vice Chairman, Tyler of Sheridan, Lehrkind of Gallatin, Hardcastle of Silver Bow, Levisee of Lake, Lambert of Hill, Longenecker of Ravalli, Trandum of Yellowstone, Padbury of Lewis and Clark, Parker of Wibaux, Brennan of Richland, Bjorneby of Flathead, Jackson of Madison, Masterson of Custer.

Water Conservation and Flood Control: Crouse of Gallatin, Chairman, Ruffcorn of Valley, Vice Chairman, Wood of Carter, D'Ewart of Park, Mungas of Granite, Lasby of Broadwater, Johnson of Dawson, Nelson of Golden Valley, Haight of Fergus, Manning of Treas-

ure, Masterson of Custer, Stortz of Rosebud, Sherman of Meagher, Scott of Musselshell, Scofield of Powder River.

Entertainment: Hardcastle of Silver Bow, Chairman, Lippard of Chouteau, Vice Chairman, O'Connor of Carbon, Miles of Sweet Grass, Chatham of Silver Bow.

Townships and Counties: Anderson of Chouteau, Chairman, Mackie of Fergus, Vice Chairman, Hamilton of Phillips, Reed of Blaine, Longenecker of Ravalli, Leeson of Roosevelt, McKenna of Judith Basin, Cruickshank of Gallatin, Sherman of Meagher, Strommes of Cascade, Anderson of Lincoln, Brayman of Missoula, Hess of Hill, Kelson of Toole, Nelson of Golden Valley.

### INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to committees.

House Bill No. 16, introduced by Johnson: A Bill for an Act entitled: "An Act prohibiting employees employed by the State of Montana, or Departments thereof from accepting any remunerative employment from the State of Montana during any leave of absence." Referred to committee on State Boards and Offices.

House Bill No. 17, introduced by Levisse: A Bill for an Act entitled: "An Act to amend Section 4922, Revised Codes of Montana, 1935, relating to the fees of County Coroners." Referred to the Committee on Townships and Counties.

House Bill No. 18, introduced by McLeod: A Bill for an Act entitled: "An Act providing for the creation of a separate department of Labor and Industrial Relations, prescribing its powers and duties." Referred to the Committee on Labor.

House Bill No. 19, introduced by Spiegel, by request: A Bill for an Act entitled: "An Act to amend Sections 2816, 2841, 2843, 2898, 2911 and 2981 of the Revised Codes of Montana of 1935, and to repeal Sections 2978, 2979, 2980, 2982, 2983, 2984, 2985, 2986, 2987, 2988, and 2989 of the Revised Codes of Montana of 1935; all relating to Workmen's Compensation; and to repeal all Acts and parts of Acts in conflict herewith, with certain reservations." Referred to Committee on Workmen's Compensation.

House Joint Memorial No. 2, introduced by Burns: A Resolution memorializing the Congress of the United States for the passage of the legislation for the creation and establishment of the Townsend Recovery Plan, and for benefits to be paid to all persons over the age of sixty years. Referred to the Committee on Social Security.

House Bill No. 20, introduced by Daly: A Bill for an Act entitled: "An Act relating to foods; to provide for the public health and safety by licensing places where food is prepared for human consumption, to be consumed on the premises; providing regulations, restrictions and conditions under which food may be prepared and sold for consumption therein; providing for the administration, disposition of funds, and penalties for the violation of the provisions of this Act." Referred to the Committee on Public Health.

House Bill No. 21, introduced by Longenecker: A Bill for an Act entitled: "An Act to repeal Sections 2639.1, 2639.2, 2639.3, 2639.4, 2639.5, 2639.6, 2639.7, 2639.8, 2639.9, 2639.10, 2639.11, 2639.12, and 2640, Chapter 241, of the Revised Codes of Montana of 1935, the same comprising all of Chapter 241, of the Revised Codes of Montana of 1935; providing for the immediate dissolution of the Milk Control Board; providing for a final examination of the accounts of the Milk Control Board; providing for disposition of the funds and properties of the Milk Control Board." Referred to the Committee on Dairying.

Mr. Speaker announced the following Committee from the House to act with the Committee appointed from the Senate on the Joint Committee to meet with PWA, WPA and Montana Relief Commission representatives to direct the attention of the National government to the needs of the people in Montana's drouth stricken areas: Stortz, Daly and Lasby.

It was moved by Spiegel, duly second and carried, that the House adjourn until 10:00 o'clock A. M., Tuesday morning, January 12, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### NINTH DAY

House of Representatives,  
Helena, Montana,  
January 12th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members were present except the following who were excused, Acher, Masterson, Lehrkind.

Mr. Speaker, we, your Committee on Journal, having examined the Journal for the eighth legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Spiegel, by request: A Bill for an Act entitled: "An Act to amend Section 5109, Revised Codes of Montana for 1935, relating to fire Departments in Cities and Towns of the State and providing for the Establishment, Organization, Equipment, Management and Control thereof, as part of the Police Power of the State in the interest of public safety."

By Lemmer: A Bill for an Act entitled: "An Act to amend Section 3676 of the Revised Codes of Montana, of 1935, relating to the creating of Fish and Game preserves, Refuges, Sanctuaries, Rest Grounds, closed seasons, prescribing penalties for a violation thereof and repealing all Acts and parts of Acts in conflict herewith."

By Miller of Big Horn and Toomey: A Bill for an Act entitled: "An Act providing that any elective or appointive Officer of or for the State of Montana, or any District, County, City or Township, or other Subdivision of any thereof, or any Deputy, Assistant, Employee or other person working therefor or holding any position of Trust or Place or position under any thereof who becomes a Candidate for any elective office except as a bona fide Candidate for reelection to any office then occupied by such person, shall at least thirty days before filing for said elective office, as required by law, resign the office, appointment or position then held; and providing that the office, appointment, position or employment of any person failing so to resign shall become vacant, retroactively if necessary and giving direction with reference to the filling of such vacancies and providing penalties for violation of this Act and declaring the policy hereof and providing a severance clause and for the repeal of any and all Acts, Statutes or Code provisions inconsistent herewith."

By Minette: A Bill for an Act entitled: "An Act authorizing the Montana Liquor Control Board of Montana to grant and issue licenses to Hotels and Restaurants to sell liquor to be consumed on the premises;



Authorizing the sale of liquor by licensed hotels and restaurants; defining the term "Hotel," "Restaurant" and other terms used in this Act; fixing the amount of license fees to be paid; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to licensed hotels and restaurants by the Montana Liquor Control Board and the issuance of permits therefor and prohibiting the sale or traffic in liquor other than purchased at State Liquor Stores; prohibiting the sale of liquor to minors and other designated persons; providing for the investigation of applicants for licenses; authorizing the Montana Liquor Control Board to prescribe Rules and Regulations under and by which licenses may be issued and conducted; providing for the suspension and revocation of licenses and the hearing thereon and providing penalties for the violation of this Act."

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the State Accountant be instructed to place a copy of the state payroll on the desks of the House Members.

### INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to committees:

House Bill No. 22, introduced by Levissee: A Bill for an Act entitled: "An Act to amend Sections 44 and 45, Revised Codes of Montana, 1935, relative to the apportionment of the Membership of the House of Representatives, said amendment providing for a reapportionment based on the 1930 census on a ratio of one Representative for each eight thousand population, or major fraction thereof." Referred to Committee on Apportionment and Representation.

House Bill No. 23, introduced by Love: A Bill for an Act entitled: "An Act to amend Section 4929 of the Revised Codes of Montana of 1935, relating to the salaries of Justices of the Peace in certain Townships, their office hours and quarters." Referred to Committee on Townships and Counties.

House Bill No. 24, introduced by Stromnes, Alvord, Toomey and Spiegel: A Bill for an Act entitled: "An Act to approve, legalize and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89 of the Laws of the Twenty-third Legislative Assembly of Montana of 1933." Referred to Committee on Judiciary.

The speaker announced the appointment of the following Committee:

Military Affairs: Brayman of Missoula, Chairman, Minette of Glacier, Vice Chairman, Sorte of Daniels, Kruse of Garfield, Holecek of Fergus, Anderson of Silver Bow, Scott of Musselshell, Levissee of Lake, Stromnes of Cascade, Miller of Roosevelt, Hamilton of Phillips, Cruickshank of Gallatin, Toomey of Lewis and Clark, Anderson of Lincoln, Chamberlain of McCone.

It was moved by Spiegel, duly seconded and carried that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed at 2:00 o'clock P. M. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Mackie and Finnegan: A Bill for an Act entitled: "An Act to amend Section 520 of the Revised Codes of Montana of 1935 relating to the printing and publication of reports of State Officers, Boards, Bureaus, Commissions and Departments."

By Metcalf and Kruse: A Bill for an Act entitled: "An Act amending Sections 1759 and 1760 of the Revised Codes of Montana, 1935, relating to the application for registration of motor vehicles and payment of license fees thereon and the county in which such must be done."

By McClain, Alvord, Metcalf, Brayman, Anderson of Silver Bow, Burns, Anderson of Lincoln: A Bill for an Act entitled: "An Act to provide for the cooperation with the Federal Government and the several counties of the State in relieving the hardship and suffering caused by unemployment and other causes to establish and maintain a minimum standard for administering relief and for creating the Public Welfare Commission and rights of collective bargaining and for the preparation of sufficient funds for the carrying out of the same."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Railroads and Railroad Transportation, having had under consideration House Bill No. 13, beg leave to report progress and that the time for a public hearing has been set for January 21st, 1937.

HOLECEK, Chairman.

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration, a Motion to strike from the list of committees the following: "Committee on Internal Improvements, Committee on Waterways and Navigation, Committee on Libraries and Committee on Improvements and Manufacturing." Respectfully report that said Motion be adopted.

SPIEGEL, Chairman.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion was this day made, duly seconded and carried:

By Mahoney: "I move that Joint Rule No. 10 be amended to read as follows:

"'Number 10. Journal to give title and number of Bills—The Journal of each House shall give the title and number of each bill, joint resolution or memorial when introduced or received, within that body; but the second and all subsequent reference shall be complete when referred to by its number'."

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

The above message from the Senate was read and referred to Committee on Rules, Joint Rules and Order of Business.

### MOTIONS AND RESOLUTIONS

The following Resolution was introduced by Alvord, duly seconded and referred to the Committee on Appropriations:

Mr. Speaker: Whereas records and correspondence of the office of the State Superintendent of Public Instruction have been taken or destroyed, moneys have been expended for needless purchases of pamphlets, text books, etc., and



Whereas it is highly desirable that this Assembly be fully apprised of all the facts, conditions and circumstances in connection with the office of the State Superintendent of Public Instruction:

Now, therefore, be it resolved: That a special committee of five be appointed by the Speaker to investigate the office of the State Superintendent of Public Instruction to ascertain whether or not there are any irregularities, bad practices or unbusinesslike methods in use and whether or not this office is being properly conducted and whether or not the accounts and affairs of said office are in proper form and to make such recommendations as the committee, upon thorough investigation, shall deem fitting and proper. That the Committee shall immediately organize and report to the House not later than February 1st, 1937; that this committee be authorized to subpoena witnesses and require the production of all necessary evidence before it for its consideration and shall be accorded all the facilities of the House and its employees therein; that there is hereby set aside from the legislative appropriations \$200.00 to carry out the provisions of this resolution.

### INTRODUCTION OF BILLS

House Bill No. 25, introduced by Ruffcorn: A Bill for an Act entitled: "An Act relating to the sale of cigarettes and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon; and the levy, assessment, collection, payment and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof, and providing for the levy, assessment, collection, payment and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license and penalty for violation of this Act; defining the duties of State and County Officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid." Referred to Committee on Revenue and Taxation.

House Bill No. 26, introduced by Ruffcorn, DeDobbeleer, Peterson of Pondera: A Bill for an Act entitled: "An Act to amend Section 1998 of the Revised Codes of Montana of 1935, relating to exemptions from taxation." Referred to Committee on Revenue and Taxation.

House Bill No. 27, introduced by Alvord and Mitchell: A Bill for an Act entitled: "An Act to amend Section 866 of the Revised Codes of Montana of 1921 and Section 866 of the Revised Codes of Montana of 1935, relating to charges for tuition, fees and other expenses for Students at the Greater Montana State University." Referred to Committee on Education.

House Bill No. 28, introduced by Phelan and Hoiness: A Bill for an Act entitled: "An Act defining the title conveyed by Tax Deed issued for real property sold for non-payment of taxes and assessments, or either of them, after the date of the passage and approval of this Act and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Revenue and Taxation.

House Joint Memorial No. 3, introduced by Minette, by unanimous consent of the House, without notice: "A Memorial memorializing the Representatives of the State of Montana in the Congress of the United States to urge the administrator of Veteran's affairs to provide the necessary personnel to immediately reopen the Veteran's Hospital at Fort Harrison." Referred to Committee on Federal Relations.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M. Wednesday morning, January 13th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## TENTH DAY

House of Representatives,  
Helena, Montana,  
January 13, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members were present except the following who were excused: Acher, Lehrkind and Levissee.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Ninth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We your Committee on Rules, Joint Rules and Order of Business, having had under consideration amendment to Joint Rule No. 10 as stated in message to the House from the Senate as follows: That Joint Rule No. 10 be amended to read as follows:

Number 10. JOURNAL TO GIVE TITLE AND NUMBER OF BILLS—The Journal of each House shall give title and number of each Bill, Joint Resolution, or Memorial when introduced or received, within that body, but the second and all subsequent reference shall be complete when referred to by its number."

SPIEGEL, Chairman.

Amendment adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 24, respectfully report as follows: That House Bill No. 24 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fairs and Expositions, recommend that House Bill No. 10 do not pass, but that Substitute House Bill No. 10, introduced by the Committee on Fairs and Expositions, do pass.

HAMILTON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 18 respectfully report as follows: That House Bill No. 18 be amended as follows:

Section 12. If any Section of this Act, or part thereof, shall be declared invalid or unconstitutional, it shall not affect the other Sections or parts thereof, but such Sections not so invalidated shall remain in full force and effect.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

And as amended, do pass.

MULHOLLAND, Chairman.

Report adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 2, by Hammond and Angvick, was this day, on motion, considered correctly engrossed and placed on Calendar for Third Reading; was read third time and passed; and is herewith transmitted to the House for concurrence.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

## INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to committees:

House Bill No. 29, introduced by Scott and Stortz: A Bill for an Act entitled: "An Act to amend Sections 3486, 3501 and 3504 of the Revised Codes of Montana of 1935." Referred to the Committee on Mines and Mining.

House Bill No. 30, introduced by Lemmer: A Bill for an Act entitled: "An Act to amend Section 3676 of the Revised Codes of Montana, 1935, relating to the creating of fish and game preserves, refuges, sanctuaries, rest grounds, closed seasons, prescribing penalties for a violation thereof, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Fish and Game.

House Bill No. 31, introduced by Wood: A Bill for an Act entitled: "An Act for the co-operation with sister states in water right matters and providing such appropriations of water be subject to reciprocal legislation of such sister states and repealing all laws in conflict with the provisions of this Act." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 32, introduced by Mackie and Finnegan: A Bill for an Act entitled: "An Act to amend Section 520 of the Revised Codes of Montana of 1935 relating to the printing and publication of reports of State Officers, Boards, Bureaus, Commissions and Departments." Referred to the Committee on State Boards and Offices.

House Bill No. 33, introduced by Spiegel, by request: A Bill for an Act entitled: "An Act to amend Section 5109, Revised Codes of Montana for 1935, relating to fire departments in cities and towns of the state and providing for the establishment, organization, equipment, management and control thereof, as part of the police power of the state in the interest of public safety." Referred to the Committee on Public Safety.

House Bill No. 34, introduced by Johnson: A Bill for an Act entitled: "An Act to amend Section 1759 of Chapter 152 of the Revised Codes of Montana of 1935, and to repeal all Acts in conflict herewith." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 35, introduced by Hoiness: A Bill for an Act Entitled: "An Act to amend Section 4465.19 of the Revised Codes of Montana of 1935, relating to the powers of Boards of County Commissioners to contract for printing and supplies." Referred to the Committee on Townships and Counties.

Senate Joint Memorial No. 2, introduced by Hammond and Angvick: A Memorial to the Congress of the United States urging the prompt enactment of legislation to provide the necessary plans and funds to furnish adequate seed-grain supplies to the needy farmers of the State of Montana. Referred to the Committee on Agriculture.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By O'Connor, by request: A Bill for an Act entitled: "An Act to amend Sections 3228.29, Subdivision B, Chapter 276, of the Revised Codes of Montana, 1935, relating to license fees on barbers and barber apprentices."

By Committee on Fairs and Expositions, Hamilton, Chairman: "An Act to amend Section 11149.1, Revised Codes of Montana of 1935 (originally enacted as Section 2, Chapter 36, Laws of 1935) to remove the prohibitions thereof as to state and county fairs, church bazaars, religious or fraternal organizations, social clubs, farm unions and labor unions."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Memorial No. 3, respectfully report as follows: That House Joint Memorial No. 3 do pass.

WENGER, Chairman.

Report adopted.

### INTRODUCTION OF BILLS

The following bills were introduced, read first and second times and referred to committees:

House Bill No. 36, introduced by Finnegan and McLeod: A Bill for an Act entitled: "An Act to amend Section 2891, Revised Codes of Montana, 1935, relating to compensation to children, brothers and sisters and invalid children, providing when compensation ceases, and providing for lump sum payments in certain cases." Referred to the Committee on Workmen's Compensation.

House Bill No. 37, introduced by McClain and Metcalf: A Bill for an Act entitled: "An Act to provide for the labelling of new motor vehicles that have been driven, pushed, or towed or otherwise propelled before sale, and requiring that dealers in such motor vehicles provide a certificate showing the actual mileage such motor vehicle has travelled on its own wheels." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 38, introduced by Miles, Stortz and Masterson. A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this state, the classifying of such stores, prescribing the license and filing fees to be paid therefor and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith: And prescribing penalties for the violation thereof." Referred to the Committee on Revenue and Taxation.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M. Wednesday morning, January 14, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### ELEVENTH DAY

House of Representatives,  
Helena, Montana,  
January 14, 1937.

House convened pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Smith.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the tenth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.



## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Alvord and Nelson: A Bill for an Act entitled: "An Act to amend Section 1999 of the Revised Codes of Montana of 1921 and Section 1999 of the Revised Codes of Montana of 1935, relating to the classification of Taxable Property in this State for the purpose of Taxation and also to amend Section 2000 of the Revised Codes of Montana of 1921 and Section 2000 of the Revised Codes of Montana of 1935, relating to providing the percentage of the true and full value of each class which shall be taken and used as the basis for the imposition of the Tax thereon."

By Kruse: A Bill for an Act entitled: "An Act to repeal Section 535 Revised Codes of Montana of 1935, providing for the printing and posting of proclamations of elections."

By D'Ewart, by request: A Bill for an Act entitled: "An Act to amend Chapter 40 of the Session Laws of 1935 otherwise known as Section 1224.14 R. C. M. 1935, to require a majority vote in School Bond Elections."

By Brayman: A Bill for an Act Entitled: "An Act requiring every person, Firm or Corporation engaged in the business of buying, selling or dealing in Evergreen Trees to be used for ornamental purposes to obtain a license and providing for the amount of such license fee; and providing a penalty for the operation of such business without a license."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 17, respectfully report as follows: That House Bill No. 17 do pass.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration, Senate Joint Memorial No. 2, respectfully report as follows: That Senate Joint Memorial No. 2 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Lippard, duly seconded and carried, that a committee of three members be appointed by the Speaker to inquire into the conditions and circumstances surrounding the transfer of credits by students transferring from one unit of the University of Montana to another unit in the system; said committee to report back to the House.

## INTRODUCTION OF BILLS

The following bills were introduced, read first and second times and referred to Committees:

House Bill No. 39, introduced by Committee on Fairs and Expositions, Hamilton, Chairman: A Bill for an Act entitled: "An Act to amend Section 11149.1, Revised Codes of 1935 (originally enacted as Section 2, Chapter 36, Laws 1935) to remove the prohibitions thereof as to State and County Fairs, Church Bazaars, Religious or Fraternal Organizations, Social Clubs, Farm Unions and Labor Unions." Referred to Committee on Fairs and Expositions.

House Bill No. 40, introduced by Miller of Big Horn and Toomey: A Bill for an Act entitled: "An Act providing that any elective or appointive officer of or for the State of Montana, or any District, County, City or Township or other subdivision of any thereof, or any Deputy, Assistant,



Employee or other Person working therefore or holding any position of trust or place or position under any thereof who becomes a candidate for any elective office, except as a bona-fide candidate for reelection to any office then occupied by such person, shall at least thirty days before filing for said elective office, as required by law, resign the office, appointment or position then held; and providing that the office, appointment, position or employment of any person failing so to resign shall become vacant, retroactively if necessary and given directions with reference to the filling of such vacancies, and providing penalties of violation of this Act, and declaring the policy hereof and providing a severance clause, and for the repeal of any and all Acts, Statutes or Code provisions herewith." Referred to Committee on Privileges and Elections.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Anderson of Silver Bow: A Bill for an Act entitled: "An Act to legalize the licensing of gambling and other games of chance. By local option and prescribing the maximum license fees, to be collected by cities and towns. Cities and towns to receive and use the revenue so derived for the maintenance of police and fire departments and prescribing penalties for violation thereof, together with certified annual report to the State Board of Equalization of all moneys so collected."

By Acher of Blaine: A Bill for an Act entitled: "An Act granting to non-resident owners and operators of motor vehicles the privilege of using the highways of the State of Montana and its political subdivisions and providing for the appointment by such non-resident users of such highways and by resident users of such highways of the Secretary of State as Attorney in fact for such operators of motor vehicles for service of all lawful process in any action or proceeding against such operators of motor vehicles growing out of any accident, collision, or liability in which such operators of motor vehicles may be involved while operating motor vehicles upon such highways; and providing that the Act shall not apply if the Defendant may with due diligence be found and personally served with process in the State of Montana."

By Campbell: A Bill for an Act entitled: "An Act to amend Section 632 of the Revised Codes of Montana of 1921 as amended by Chapter 118 of the Session Laws of the Nineteenth Legislative Assembly of Montana and Chapter 3 of the Session Laws of the Twentieth Legislative Assembly of Montana relating to the date of holding primary elections."

By Ruffcorn, Kruse, Haight: A Bill for an Act entitled: "An Act providing for the classification and basis upon which taxes shall be imposed upon all land, town and city lots, with improvements, to the value of twenty-five hundred dollars when used for homestead purposes."

By Campbell, McLeod: A Bill for an Act entitled: "An Act to amend Section 4885 of the Revised Codes of Montana of 1935, reducing mileage and transportation of Sheriffs to four cents per mile and repealing all Acts and parts of Acts in conflict therewith."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Joint Memorial No. 1, respectfully report as follows: That House Joint Memorial No. 1 do pass.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, having had under consideration Substitute for Senate Joint Resolution No. 3, respectfully report as follows: That Substitute for Senate Joint Resolution No. 3 be concurred in.

BRENNAN, Chairman.

Report adopted.

#### MESSAGES FROM SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Substitute Senate Joint Resolution No. 3 was read third time and passed and transmitted to the House for concurrence.

Respectfully,

GEORGE A. BURR,  
Secretary of Senate.

#### INTRODUCTION OF BILLS

The following bills were introduced, read first and second times and referred to Committees:

Substitute Senate Joint Resolution No. 3, introduced by Committee on employment of the Senate: A joint Resolution declaring an emergency to exist and providing for compensation and additional help during the Twenty-fifth Legislative Assembly of the State of Montana, pursuant to Section 77, Revised Codes of Montana 1935, relative to the appointment of additional help in the Senate and House of Representatives. Referred to Committee on Employment.

House Bill No. 41, introduced by Reed: A Bill for an Act entitled: "An Act to establish a State Commission for improving the condition of the blind and for the prevention of blindness in the State of Montana and to prescribe the powers and duties thereof." Referred to Committee on Social Security.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House proceed out of order for a few minutes while the Entertainment Committee presented a program.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We your Committee of the Whole, having had under consideration Substitute for Senate Joint Resolution No. 3, recommend that the same be concurred in.

METLEN, Chairman.

Report adopted.

#### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Substitute Senate Joint Resolution No. 3, was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Green,

Hamilton, Hardcastle, Heddin, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Rolph, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 82.

Noes: Anderson (Chouteau), D'Ewart, Eggenberger, Haight, Haugan, Holecek, Kelson, Lippard, Longenecker, Minette, Mungas, Scofield, Smith. Total 13.

Absent and not voting: Goodwin, Heavlin, Kruse, Levissee, Love, O'Connor, Toomey.

Mr. Speaker appointed the following committee to act on motion of Lippard to inquire into conditions and circumstances surrounding transfer of credits from one unit to another of the University of Montana: Lippard, Chairman, Haight and Smith.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Friday morning, January 15th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## TWELFTH DAY

House of Representatives,  
Helena, Montana,  
January 15, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Cusick, Levissee and Love.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the eleventh legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker, We, your Committee on Printing, to whom was referred House Bills Nos. 17, 18, House Joint Memorial No. 3, and Substitute for House Bill No. 10 beg leave to report that the same have this date been returned from the printer correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Privileges and Elections, having had under consideration House Bill No. 40 respectfully report as follows: That House Bill No. 40 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 3 respectfully report as follows: That House Bill No. 3 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, having had under consideration on applicants for employment, beg to submit the following appointments:

Law Clerk.....	Kerr Beadle
Assistant Law Clerk .....	Basil A. Phelan
Assistant Law Clerk.....	Peter Milloy

BRENNAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Safety, having had under consideration House Bill No. 33 respectfully report as follows: That House Bill No. 33 do pass.

DALY, Chairman.

Report adopted.

### INTRODUCTION OF BILLS

House Joint Resolution No. 1, introduced by Masterson, Peterson (Sheridan), Schneider, Trandum and Stortz: "A resolution requesting the State Examiner to make a study of the methods and forms used in relation to assessment, levy and collection of taxes and authorizing the State Board of Equalization to prescribe uniform forms and methods for the keeping of records for the assessment, levying and collection of taxes in the several counties of the State of Montana." Referred to the Committee on Economy.

House Bill No. 42, introduced by Metcalf and Kruse: A Bill for an Act entitled: "An Act amending Section 1759 of the Revised Codes of Montana, 1935, relating to the application for registration of motor vehicles and payment of license fees thereon, and the county in which such must be done." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 43, introduced by D'Ewart, by request: A Bill for an Act entitled: "An Act to amend Chapter 40 of the Session Laws of 1935 otherwise known as Section 1224.14 Revised Codes of Montana, 1935, to require a majority vote in school bond elections." To Committee on Privileges and Elections.

House Bill No. 44, introduced by Acher: A Bill for an Act entitled: "An Act granting to non-resident owners and operators of motor vehicles the privilege of using the highways of the State of Montana and its political subdivisions and providing for the appointment by such non-resident users of such highways and by resident users of such highways of the Secretary of State as Attorney In Fact for such operators of motor vehicles for service of all lawful process in any action or proceeding against such operators of motor vehicles growing out of any accident, collision, or liability in which such operators of motor vehicles may be involved while operating motor vehicles upon such highways: and providing that the Act shall not apply if the defendant may with due diligence be found and personally served with process in the State of Montana." Referred to the Committee on Highways and Highway Transportation.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Stromnes, Mulholland, Anderson (Silver Bow), Manning and Brennan: "An Act relating to the furnishing of free text-books to pupils attending school, public or otherwise, including high schools, within the State of Montana, and amending Section 1198, Revised Codes of Montana of 1921."

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 1:00 P. M., Monday afternoon, January 18th, 1937.

JOHN J. JEWELL, Chief Clerk.

H. D. ROLPH,  
Speaker.



## FIFTEENTH DAY

House of Representatives,  
Helena, Montana,  
January 18, 1937.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present, except the following who were excused: Haight, Levissee, Lippard, Smith, Schneider and Strommes.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the twelfth legislative day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Conner: A Bill for an Act entitled: "An Act designating the manner of selection, adoption, purchase, and exchange of textbooks for use in the public schools of Montana; prescribing the powers and duties of school officers and boards in connection therewith."

By Haight and Kruse: A Bill for an Act entitled: "An Act to amend Section 2000.6 of the Revised Codes of Montana, 1935, relating to the classification and basis upon which taxes shall be imposed on moneys and credits and moneyed capital and also upon bank shares."

By Burns: A Bill for an Act to provide for a minimum compensation for women employed in any occupation within the State of Montana, excepting those employed under existing contract where the wages amount to eighteen dollars (\$18.00) per week or more, and providing penalty for violation thereof.

By Daly, Chamberlain, Toomey, Padbury, McLeod, Finnegan and Trandum, by request: A Bill for an Act entitled: "An Act providing for unemployment compensation, creating a State Unemployment Compensation Commission: establishing an unemployment fund and providing for the administration, distribution and investment thereof; providing for the assessment and collection of contributions upon payrolls of employers; creating a State Employment Service and providing an appropriation therefor: providing penalties for violations."

By Stimatz: "An Act for the prevention of frauds in connection with the voting franchise, to prevent electors from registering in more than one precinct; to prevent voting on another elector's name or an assumed name or the name of person not known; to prevent repetition of voting on election day: That is, to prevent one person voting more than once; to prevent the stuffing of ballot boxes; to prevent slush funds being raised for the purpose of defrauding the objects and purposes of the honest electors, and providing for the arrest, prosecution, and conviction of any and all persons violating any provisions of this Act; to register voters by photographing the elector for the purpose of identification as a bona fide elector; and the enacting of rules and regulations for the proper administration of the Act; for the proper recording of the will of the electors as to who shall represent them in the various departments of the government; to enact all necessary laws for the purpose of positive identification of the elector on presentation of himself to cast his or her ballot; to modify and amend all of the laws now in force in conformity herewith, and to repeal all of the laws in conflict herewith; to empower the Clerk and Recorder to settle all complaints of checkers or electors as to any irregularities on the part of the judges and clerks of election, and the same then and there to be settled in conformity with the provisions of this Act and to amend Sections 553, 554, 555, 557, 558, 559, 560, 561, 562, 566, 575, 580, 583, 585, 586, 587, 588, 589,



590, 591, 592, 594, 595, 596, 603, 604, 606, 607, 608, 609, 610, 774, 775, 776, 777, 778, 779, 782, 785, 786, 789, 790, 791, 793, 794, 795, of the Revised Codes of Montana of 1935, and to repeal Sections of the Revised Codes of Montana of 1935, 556, 563, 564, 565, 567, 568, 569, 570, 571, 572, 573, 574, 576, 578, 579, 593, 597, 599, 601, 605, 611, 783, 784, 792. Providing penalties for violation of this Act and repealing all Acts or parts of Acts in conflict herewith."

By Wood: "An Act to preserve the prehistorical ruins, ancient burial grounds, fossils, fossilized footprints, hieroglyphics and other archaeological features of Montana."

By Padbury and others: "An Act to create the Office of State Comptroller; fixing his powers and duties; providing for his salary and term of office; and setting up a central accounting system for the State of Montana."

By Burns: A Resolution providing for an investigation of the Montana Relief Commission.

By Haugan, by request: "An Act to amend Section 1760, Revised Codes of Montana, 1935, relating to the registration fees—disposal of proceeds—fee for half year—dealers' registration and transfer thereof—public owned vehicles exempt from fees."

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, to whom was referred House Joint Memorials 1 and 3 and House Bills No. 3, 17, 33, and 40, beg leave to report that the same have been returned from the printer correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Mines and Mining, having had under consideration House Bill No. 29 respectfully report as follows: That House Bill No. 29 be amended as follows:

Beginning in line 26 after the word "which" striking out the word "whether."

Further amend said bill by striking out after the word "fire" the words "or resulting" and all of lines 27 and 28.

Further amend by adding after the word property in line 31, the following words "to an amount not to exceed a total sum of fifty dollars (\$50.00), for each individual miner."

And as so amended, do pass.

JOFFRAY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Economy, having had under consideration House Joint Resolution No. 1 respectfully report as follows: That House Joint Resolution No. 1 do pass.

PETERSON (Sheridan), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 8 respectfully report as follows: That House Bill No. 8 do pass.

METLEN, Chairman.

Report adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 4 and Senate Bill No. 9 were read third time and passed and transmitted to the House for concurrence.

Respectfully yours,

GEORGE A. BURR,  
Secretary of Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the Sergeant-at-Arms be permitted to turn over thirteen old typewriters to the Purchasing Agent.

It was moved by Spiegel, duly seconded and carried, that the House Chambers be turned over to the Workmen's Compensation Committee, this day at the hour of 7:30 P. M. for the purpose of a public hearing.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Joint Resolution No. 4, introduced by the Committee on Stock-growing and Grazing: A Resolution opposing change of Laws governing importation of livestock from Argentine. Referred to the Committee on Livestock and Public Ranges.

Senate Bill No. 9, introduced by Simmons: A Bill for an Act entitled: "An Act to approve, legalize and adopt as the Laws of Montana the Revised Codes of Montana of 1935, prepared by the Code Commissioner appointed by authority of Chapter 89 of the Laws of the Twenty-third Legislative Assembly of Montana of 1933." Referred to the Committee on Judiciary.

House Bill No. 45, introduced by Haight and Kruse: A Bill for an Act entitled: "An Act to amend Section 2000.6 of the Revised Codes of Montana, 1935, relating to the classification and basis upon which taxes shall be imposed on moneys and credits and moneyed capital and also upon bank shares." Referred to the Committee on Revenue and Taxation.

House Bill No. 46, introduced by Alvord and Nelson: A Bill for an Act entitled: "An Act to amend Section 1999 of the Revised Codes of Montana of 1921 and Section 1999 of the Revised Codes of Montana of 1935, relating to the classification of taxable property in this state for the purpose of taxation, and also to amend Section 2000 of the Revised Codes of Montana of 1921 and Section 2000 of the Revised Codes of Montana of 1935, relating to providing the percentage of the true and full value of each class which shall be taken and used as the basis for the imposition of the tax thereon." Referred to the Committee on Revenue and Taxation.

House Bill No. 47, introduced by Kruse: A Bill for an Act entitled: "An Act to repeal Section 535, Revised Codes of Montana, 1935, providing for the printing and posting of proclamations of elections." Referred to the Committee on Privileges and Elections.

House Bill No. 48, introduced by Goodwin: A Bill for an Act entitled: "An Act to repeal Section 715 through Section 735 inclusive, relating to voting by absent electors." Referred to the Committee on Privileges and Elections.

House Bill No. 49, introduced by Ruffcorn and others: A Bill for an Act entitled: "An Act providing for the classification basis upon which taxes shall be imposed upon all land, town and city lots with improvements, to the value of twenty-five hundred dollars when used for homestead purposes." Referred to the Committee on Revenue and Taxation.

House Bill No. 50, introduced by McClain, Burns, Mackie, Alvord, Nelson, Cusick, Stortz, McLeod, Brennan, Finnegan, Hamilton, Masterson, Jackson, Metcalf and Brayman: A Bill for an Act entitled: "An Act to provide for the cooperation with the Federal Government and the several counties of the state in relieving the hardship and suffering caused by unemployment and other causes to establish and maintain a minimum standard for administering relief, and for creating the Public Welfare Commission and rights of collective bargaining and for the preparation of sufficient funds for the carrying out of the same." Referred to the Committee on Social Security.

House Bill No. 51, introduced by Stromnes, Mulholland, Anderson (Silver Bow), Manning and Brennan: A Bill for an Act entitled: "An Act relating to the furnishing of free text-books to pupils attending school, public or otherwise, including high schools, within the State of Montana, and amending Section 1198, Revised Codes of Montana of 1935." Referred to the Committee on Education.

House Memorial No. 1, introduced by Stortz, McLeod and Masterson: A Memorial to press for the immediate development of power facilities at Fort Peck or other suitable Montana sites. Referred to the Committee on Public Utilities.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 18 recommend that the same do pass.

KRUSE, Chairman.

Report adopted.

The Speaker announced the following Committee on Courtesy: Hamilton of Phillips, Chairman, Dougherty of Powell and O'Connor of Carbon.

The Speaker signed Substitute for Senate Joint Resolution No. 3 in Open Session.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock, Tuesday morning, January 19th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

#### SIXTEENTH DAY

House of Representatives,  
Helena, Montana,  
January 19, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Cohen, Levissee, Lippard, Masterson and Schneider.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifteenth Legislative Day, find the same to be correct.

MUNGAS, Member of the Committee.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Daly: A Bill for an Act entitled: "An Act providing for the registration of private contracts, and defining the term "private contractors"; providing the method of obtaining a license to engage in the business of private contracting in the State of Montana; fixing the fee for such licenses and providing for the method of suspension, cancellation, and reinstatement thereof; and prescribing penalties for the violation of this Act."

By Monahan: "An Act amending Section 3084 of the Revised Codes of Montana, 1935, relating to payment of wages of employees and relating to coercion of employees to make purchases."

By Peterson (Sheridan), Stortz, Finnegan, Monahan, Johnson, Tyler: A Bill for an Act entitled: "An Act to amend Section 4141 of the Revised Codes of Montana of 1921, relating to compensation of abstractors."

By Anderson (Silver Bow): "An Act to amend Section 5653 of the Revised Codes of Montana of 1935, relating to preference of soldiers and sailors in public employment."

By Cusick, Mitchell and others: "An Act to protect trade-mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand or name, through the use of voluntary contracts establishing minimum resale prices and providing for refusal to sell unless such minimum resale prices are observed."

By Committee on Judiciary, Stromnes, Chairman: An Act authorizing, with the approval of the Governor, the appointment and removal of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers, and executive attachees of all civil executive state offices, boards, commissions, bureaus, departments, or authorities of any kind appointed by the Governor, and not otherwise provided for by law; prohibiting such civil executive state offices, boards, commissions and bureaus, departments and authorities of any kind appointed by the Governor from exceeding in the aggregate their fiscal year appropriation made by the Legislature; and repealing Sections 273 and 275, Revised Codes of Montana, 1935, and all other Acts or parts of Acts in conflict herewith.

By Toomey, at request of State Land Department: A Bill for an Act entitled: "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public bodies."

By Committee on State Institutions, Public Buildings and Grounds; Shanley, Chairman: "An Act providing for the establishing and operation of a school for the deaf and blind in the new building erected for that purpose at Great Falls, Montana and providing additional housing and educational facilities for the State Training School at Boulder, Montana."

By Committee on Judiciary, Stromnes, Chairman: An Act authorizing the State Board of Examiners to permit the employment of all necessary clerical and executive assistants in all elective civil executive offices of the state, boards, and commissions when the duties of such office, board or commission cannot be performed with the clerical and executive assistants allowed by law; prohibiting such elective civil executive state office, board or commission from exceeding in the aggregate their fiscal year appropriations made by the Legislature; and repealing Section 268 of the Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith.



## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 19, respectfully report as follows: That House Bill No. 19 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Apportionment and Representation, having had under consideration House Bill No. 22, respectfully report as follows: That House Bill No. 22 do pass.

SORTE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 23, respectfully report as follows: That House Bill No. 23 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 16, respectfully report as follows: That House Bill No. 16 do not pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 32, respectfully report as follows: That House Bill No. 32 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 44, recommend that the same be referred to the Judiciary Committee.

CUSICK, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded, that House Bill No. 39 be taken from the Committee on Fairs and Expositions and referred to the Committee on Public Morals, Charities and Reforms.

On Substitute motion, it was moved by Minette, duly seconded and carried, that the Chairman of the Committee on Fairs and Expositions bring in a report on House Bill No. 39 within twenty-four hours.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Resolution No. 2, introduced by Joffray: A Resolution requesting the Appropriations Committee of the House of Representatives, the Finance Committee of the Senate and the State Board of Examiners to take into consideration the number of employees employed in state institutions and the number of working hours per day per individual. Referred to the Committee on State Boards and Offices.

House Bill No. 52, introduced by Wood: A Bill for an Act entitled: "An Act to preserve the pre-historical ruins, ancient burial grounds, fossils, fossilized footprints, hieroglyphics and other archaeological features of Montana." Referred to the Committee on Conservation of Resources.

House Bill No. 53, introduced by Burns: A Bill for an Act entitled: "An Act to provide for a minimum compensation for women employed



in any occupation within the State of Montana, excepting those employed under existing contract where the wages amount to (\$18.00) per week or more, and providing penalty for violation thereof." Referred to the Committee on Labor.

House Bill No. 54, introduced by Brayman: A Bill for an Act entitled: "An Act requiring every person engaged in the business of buying, selling or dealing in evergreen trees to be used for ornamental purposes to procure an annual license; and providing for amount of such license; and requiring certain reports to be made; and providing for computation and notice of license tax; and providing for investigation of erroneous statements; and providing for the unpaid amount of license tax to be a lien in favor of the state; and providing for the disposal of the proceeds of the tax." Referred to the Committee on Revenue and Taxation.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Lasby: "An Act repealing Sections from and including 2815.10 and every following Section to and including Section 2815.163 of the Revised Codes of Montana, 1935, and enacting laws relating to the regulation of the manufacture, sale and distribution of intoxicating liquor and of fermented malt beverages, the appointment of a State Liquor Commission, prescribing its powers and duties, the issuance of licenses; providing for collection of license fees; providing for an excise tax, and for the collection of tax receipts; and providing for the disposition and appropriation of receipts of both license fee and excise tax."

By Anderson (Phillips): A Bill for an Act entitled: "An Act to amend Section 2076, Revised Codes of Montana, 1935, relating to additional tax levy to pay expense of enforcing stock laws; Section 2083 relating to signers of petition—time for presenting—limitation on bounties—bounty inspectors; and Section 2085 relating to presentation of skins—affidavit."

By Scott: "An Act to amend Section 2520 of the Revised Codes of Montana, 1935, relating to the Registry of Births."

By Lemmer: "An Act to amend Section 3685 of the Revised Codes of Montana, of 1935, fixing fishing and hunting license fees, powers under licenses, tagging of game carcasses, reports of killing of elk and deer, and repealing all Acts and parts of Acts in conflict herewith."

By Spiegel, Finnegan, Burns, Brennan, Anderson (Lincoln), Bjerneby, Mackie and Stortz: "An Act to amend Section 2870, Revised Codes of Montana, 1935, relative to the definition of injury; to provide for the payment of compensation for occupational diseases; to allow claimants under this Act to present X-Ray pictures; supplied by himself at hearings; to amend Section 2933, Revised Codes of Montana, 1935, relative to the employee's statement of injury."

By Lovell, Wenger and Finnegan: "An Act to amend Section 2396.4, Revised Codes of Montana of 1935, relating to refund of gasoline tax, so that cities and towns shall be entitled to such refund for tax paid on gasoline used by such cities and towns in the performance of their governmental and proprietary functions."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 30, respectfully report as follows: That House Bill No. 30 do pass.

LEMMER, Chairman.

Report adopted.

The Committee on Engrossing reported House Bill No. 18 correctly engrossed.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 31, respectfully report as follows: That House Bill No. 31 do not pass but that Substitute House Bill No. 31, introduced by the Committee on Irrigation and Water Rights, entitled: A Bill for an Act entitled: "An Act for the cooperation with the State of Wyoming in water right matters and providing such appropriations of water be subject to reciprocal legislation of such State of Wyoming and repealing all Laws in conflict with the provisions of this Act." Do Pass.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration House Bill No. 15, respectfully report as follows: That House Bill No. 15 do not pass.

Motion to adopt report made by Acher.

On substitute motion, it was moved by Chamberlain, duly seconded and carried that House Bill No. 15 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 47 respectfully report as follows: That House Bill No. 47 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 43, respectfully report as follows: That House Bill No. 43 do not pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 48, respectfully report as follows: That House Bill No. 48 do not pass.

Motion to adopt report made by Bjerneby.

On Substitute motion, it was moved by Goodwin, duly seconded and carried, that House Bill No. 48 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 11, respectfully report as follows: That House Bill No. 11 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 6: That House Bill No. 6, be amended as follows:

By inserting in the title after the words "STATE INSTITUTION," in Line 2, the words "EDUCATIONAL INSTITUTION,"

By inserting in the title after the word "SOURCES" in Line 9, the words "EXCEPT AS IN THIS ACT PERMITTED".

By striking out Section 1 and inserting in lieu thereof:

Section 1. It shall be unlawful for the board of trustees, executive board, managerial staff, president, deans and faculty, or any other authority of any state institution maintained in whole or in part by the state, or for any officer, department, board, commission or bureau, having charge of the disbursement or expenditure of the income provided by legislative appropriation, or otherwise, to expend, contract for the expenditure, or to incur or permit the incurring of any obligation whatsoever, in any one year, in excess of the income provided for such year, or in excess of such income as decreased by the State Board of Examiners, under and in accordance with the provisions of Section 3 of this act, for such year, or for the State Board of Examiners, or any supervisory board or authority either directly or indirectly to authorize, direct or order any such institution, officer, department, board, commission or bureau to increase any expenditures, except as hereinafter provided, and it shall be and is hereby made the duty of any and all of such institutions, officers, departments, boards, commissions and bureaus to keep such expenditures, obligations and liabilities within the amount of such income.

Section 2. If it shall at any time appear to the State Board of Examiners that due to an unanticipated increase in the number of inmates or patients of any penal, custodial or charitable institution, or that due to any unforeseen and unanticipated emergency in the case of such institutions, or that due to any unforeseen and unanticipated emergency in the case of any other State institution, Educational institution, department, board, commission or bureau; the amount appropriated for the maintenance and operation of any State institution, Educational institution, department, board, commission or bureau, with all other income of the institution, if any, will be insufficient for such purposes during the year for which the appropriation was made, on written application to such State Board of Examiners, setting forth in detail the reasons therefor, said Board of Examiners, by an order made and entered at length, with such application, in its minutes, may authorize an expenditure to be made during such year for such purposes in such an amount in excess of such income for said year as said Board of Examiners may deem necessary and required, and the Board, managerial staff or other authority in charge of any State institution, Educational institution, department, board, commission or bureau, may expend such amount, and no more, for such purposes during such year; provided that any increase in expenditure so authorized for any penal, custodial or charitable institution due to increase in number of inmates or patients, shall not exceed the cost per inmate day as set forth in the last preceding Legislative Budget for each such institution. Said State Board of Examiners shall report to the next legislative assembly the amount expended or indebtedness or liability incurred under such authority granted by it and request that a deficiency appropriation bill be passed to take care of and pay the same.

And renumbering Section 2 Section 3, and Section 3, Section 4, and Section 4 Section 5, and adding

Section 6.

This act to take effect from and after its passage and approval.

And, as so amended, do pass.

MITCHELL, Chairman.

Report adopted.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 55, introduced by McLeod: A Bill for an Act Entitled: "An Act to amend Section 12288 of the Revised Codes of Montana of



1935, relating to the appointment, salary and duties of probation officers, to juvenile delinquents and to court procedure." Referred to the Committee on States Boards and Offices.

House Bill No. 56, introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 632 of the Revised Codes of Montana of 1935, as amended by Chapter 118 of the Session Laws of the Nineteenth Legislative Assembly of Montana and Chapter 3 of the Session Laws of the Twentieth Legislative Assembly of Montana relating to the date of holding primary elections." Referred to the Committee on Privileges and Elections.

House Bill No. 57, introduced by Minette: A Bill for an Act entitled: "An Act authorizing the Montana Liquor Control Board of Montana to grant and issue licenses to hotels and restaurants to sell liquor to be consumed on the premises; authorizing the sale of liquor by licensed hotels and restaurants; defining the terms "hotel", "restaurant" and other terms used in this Act; fixing the amount of license fees to be paid; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to licensed hotels and restaurants by the Montana Liquor Control Board and the issuance of permits therefor and prohibiting the sale or traffic in liquor other than purchased at State Liquor Stores; prohibiting the sale of liquor to minors and other designated persons; providing for the investigation of applicants for licenses; authorizing the Montana Liquor Control Board to prescribe rules and regulations under and by which licenses may be issued and conducted; providing for the suspension and revocation of licenses and the hearing thereon and providing penalties for the violation of this Act." Referred to the Committee on Revenue and Taxation.

### THIRD READING

House Bill No. 18 having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Harcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Scofield, Scott, Shanley, Sherman, Sorte, Stromnes, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 82.

Noes: Acher, Anderson (Phillips), Conner, Holecek, Kruse, Smith, Toomey, Vanek. Total 8.

Absent and not voting: Cohen, Cusick, Dougherty, Haight, Lippard, Masterson, Metcalf, Metlen, Monahan, Ruffcorn, Schneider, Wood. Total 12.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Minette in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 3, 17, 33 and 40 recommend the following:



That House Bill No. 3 do pass.

That House Bill No. 17 do pass.

That House Bill No. 33 do pass.

That the enacting clause be stricken from House Bill No. 40.

Motion to adopt report made by Minette. On substitute motion, it was moved by Toomey, duly seconded and carried, that House Bill No. 40 be segregated from the report of the Committee of the Whole.

A roll call was demanded by the required number and the motion was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brennan, Burns, Conner, D'Ewart, Dougherty, Eggenberger, Elliott, Goodwin, Green, Harcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Jackson, Joffray, Kelson, Kruse, Leeson, Lemmer, Love, Lovell, McClain, McLeod, Manning, Measure, Miles, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Peterson (Sheridan), Reed, Scofield, Smith, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Tyler, Mr. Speaker. Total 50.

Noes: Alvord, Anderson (Silver Bow), Bloom, Brayman, Campbell, Chamberlain, Chatham, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Finnegan, Freshman, Hamilton, Hess, Ijams, Johnson, Lambert, Lasby, Lehrkind, Levissee, Longenecker, McKenna, Mackie, Metlen, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Shea, Parker, Peterson (Pondera), Phelan, Scott, Shanley, Sherman, Stortz, Trandum, Vanek, Waldrop, Wenger, Whaley. Total 44.

Absent and not voting: Cohen, Haight, Lippard, Masterson, Metcalf, Ruffcorn, Schneider, Wood. Total 8.

Whereupon the report of the Committee of the Whole was adopted as amended.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Wednesday morning, January 20th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## SEVENTEENTH DAY

House of Representatives,  
Helena, Montana,  
January 20th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Cohen, Haight, Lippard, Lovell, Masterson and Schneider.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Smith and others: "A Bill for an Act to amend Section 5766 of the Revised Codes of Montana of 1935, relating to the period of residence required to entitle plaintiff to divorce."

Mr. Speaker announced that Chatham was changed from the Fish and Game Committee to the Committee on Petroleum, Oil and Gas. Crouse was changed from the Committee on Petroleum, Oil and Gas to the Committee on Fish and Game.

## REPORTS OF STANDING COMMITTEE

The Committee on Printing reported the following correctly printed: House Bill No. 8 and House Joint Resolution No. 1.

Mr. Speaker: We, a majority of your Committee on Social Security, having had under consideration House Joint Memorial No. 2, relating to the Townsend Recovery Plan, respectfully recommend as follows: That House Joint Memorial No. 2 do pass. McClain, Eggenberger, Stimatz, Elliott, Kelson, Dougherty, Mackie and Wenger.

Mr. Speaker: We, a minority of your Committee on Social Security, having had under consideration House Joint Memorial No. 2, relating to the Townsend Recovery Plan respectfully report as follows: That House Joint Memorial No. 2 do not pass. Holecek, Stortz, D'Ewart, Hamilton, Minette and Trandum.

Motion to adopt majority report made by Kelson.

On substitute motion, it was moved by Minette, duly seconded, that the report of the Minority be adopted.

The previous question was moved by Spiegel, duly seconded and carried.

A roll call was demanded by the required number and the motion was lost by the following vote:

Ayes: Chamberlain, DeDobbeleer, D'Ewart, Hedden, Holecek, Love, McKenna, Metlen, Miller (Roosevelt), Minette, Mungas, Rolph, Ruffcorn, Shanley, Stortz, Stromnes, Toomey, Trandum. Total 18.

Noes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Conner, Crouse, Cruickshank, Cuscik, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, McClain, McLeod, Mackie, Manning, Measure, Miles, Miller (Big Horn), Mitcheil, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 77.

Absent and not voting: Cohen, Haight, Lippard, Lovell, Masterson, Metcalf, Schneider. Total 7.

Whereupon motion to adopt Majority report was adopted.

Mr. Speaker: We, your Committee on Public Utilities and State Commissions, having had under consideration House Memorial No. 1, respectfully report as follows. That House Memorial No. 1 do pass.

MONAHAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fairs and Expositions, having had under consideration House Bill No. 39, respectfully report as follows: That House Bill No. 39 be amended as follows:

The Title be amended by striking out the word "church" and Social Clubs."

Amend Section 1, line 14, by striking out the word "Church" and in line 15 the words "social Clubs", and in line 19 the word "Church," and in line 20 the words "Social Clubs."

And as amended do pass.

HAMILTON, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It has moved by Stromnes, duly seconded and carried, that House Bill No. 40 be taken from General Orders and referred to the Judiciary Committee.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 58, introduced by Peterson (Sheridan): A Bill for an Act entitled: "An Act to amend Section 4141 of the Revised Codes of Montana of 1935, relating to compensation of abstractors." Referred to the Committee on Judiciary.

House Bill No. 59, introduced by Spiegel, Finnegan, Burns, Bjerneby, Mackie, Stortz and Brennan: A Bill for an Act entitled. "An Act to amend Section 2870, Revised Codes of Montana, 1935, relative to the definition of injury; to provide for the payment of compensation for occupational diseases; to allow claimants under this Act to present X-Ray pictures; supplied by himself at hearings; to amend Section 2933, Revised Codes of Montana, 1935, relative to the employee's settlement of injury." Referred to the Committee on Workmen's Compensation.

House Bill No. 60, introduced by Judiciary Committee; A Bill for an Act entitled: "An Act authorizing the State Board of Examiners to permit the employment of all necessary clerical and executive assistants in all elective civil executive state offices, boards, and commissions when the duties of such office, board or commission cannot be performed with the clerical and executive assistants allowed by law: prohibiting such elective civil executive state office, board or commission from exceeding in the aggregate their fiscal year appropriations made by the legislature: and repealing Section 268 of the Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 61, introduced by Anderson (Phillips): A Bill for an Act entitled: "An Act to amend Section 2076, Revised Codes of Montana, 1935, relating to additional tax levy to pay expense of enforcing stock laws; Section 2083 relating to signers of petition—time for presenting—limitation on bounties—bounty inspectors; and Section 2085 relating to presentation of skins—affidavit." Referred to the Committee on Revenue and Taxation.

House Bill No. 62, introduced by Haugan: A Bill for an Act entitled: "An Act to amend Section 1760, Revised Codes of Montana, 1935, relating to the registration fees—disposal of proceeds—fee for half year—dealers' registration and transfer thereof—public owned vehicles exempt from fees." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 63, introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to amend Section 5653 of the Revised Codes of Montana of 1935, relating to preference of soldiers and sailors in public employment." Referred to the Committee on Military Affairs.

House Bill No. 64, introduced by Conner: A Bill for an Act entitled: "An Act to amend Section 4506, Revised Codes of Montana, 1935, relating to noxious weeds and to empower and authorize the Board of Commissioners of Irrigation Districts to spend district funds in controlling perennial noxious weeds and repealing all Acts in conflict herewith." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 65, introduced by Judiciary Committee: A Bill for an Act entitled: "An Act authorizing, with the approval of the Governor, the appointment and removal of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers, and executive attaches of all civil executive state offices, boards, commissions,

bureaus, departments, or authorities of any kind appointed by the Governor, and not otherwise provided for by law: Prohibiting such civil executive state offices, boards, commissions and bureaus, departments and authorities of any kind appointed by the Governor from exceeding in the aggregate their fiscal year appropriation made by the Legislature: and repealing Sections 273 and 275, Revised Codes of Montana, 1935, and all other Acts or parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 66, introduced by Toomey, by request: A Bill for an Act entitled: "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public bodies." Referred to the Committee on Judiciary.

House Bill No. 67, introduced by Monahan and others: A Bill for an Act entitled: "An Act amending Section 3084 of the Revised Codes of Montana, 1935, relating to payment of wages of employees and relating to coercion of employees to make purchases." Referred to the Committee on Labor.

House Bill No. 68, introduced by Daly: A Bill for an Act entitled: "An Act providing for the registration of private contracts, and defining the term "private contractors"; providing the method of obtaining a license to engage in the business of private contracting in the State of Montana; fixing the fee for such licenses and providing for the method of suspension, cancellation, and reinstatement thereof; and prescribing penalties for the violation of this Act." Referred to the Committee on Revenue and Taxation.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Mackie and Vanek: A Bill for an Act entitled: "An Act to amend Section 1622.2 of the Revised Codes of Montana, 1935, relating to road supervisors abolished; and county surveyors and their salaries, of counties having a total registered vote of from 7,000 to 10,000."

By Brennan: "An Act to amend Section 63 of the Revised Codes of Montana, 1935, relating to the officers and employees of the House."

By McLeod, Spiegel, Mulholland, Anderson (Silver Bow), Mitchell and Finnegan: "An Act to amend Section 3071 of the Revised Codes of Montana of 1935, relating to hours of labor for underground miners."

By Campbell: "An Act to amend Sections 11566.1 and 11566.2 of the Revised Codes of Montana, 1935, relating to the sale of beer to minors providing the violation therefore shall be a misdemeanor and fixing the penalty therefore."

By Hoiness: A Bill for an Act entitled: "An Act to amend Sections 9664 and 9680, Revised Codes of Montana, 1935, relating to judgments by default and judgments (other than default) in Justice Court."

By Hoiness, Anderson (Phillips), Mackie, Shanley, Heavlin, Minette, Anderson (Silver Bow): "An Act relating to motor vehicles, trailers and semi-trailers, the ownership thereof and other interests therein: Providing for the registration thereof and the issuance of Certificate of Title and



Certificate of Registration; providing for the assignment and distribution of license plates: Providing for the licensing of persons in the business of dealing in motor vehicles and accessories; providing for the distribution of Registration fees; providing for the time of assessment and assessment and levy of taxes on motor vehicles and collection of taxes thereon; and distribution of the same, and to harmonize such provisions with existing law relating to assessment of personal property: Providing for the filing of mortgages and conditional sales contracts and the filing of releases therefrom; providing for the enforcement of this Act, and providing penalties for the violation thereof; and to amend Sections 1759, 1759.4, 1759.2, 1759.3, 1758, 1758.2, Subdivision A and B, Section 1758.3, Subdivision E, Section 1758.4, and Section 2002, Revised Codes of Montana, 1935, and repealing Sections 1755.4 and 1755.5, the Revised Codes of Montana, 1935, (originally Section 2, Chapter 171, Laws of the Twenty-first Legislative Assembly of Montana, 1929, erroneously numbered Section 1755.5, Revised Codes of Montana, 1935.)."

By Dougherty: "An Act to amend Section 10307 of the Revised Codes of Montana of 1935, relating to the order in which debts are to be paid against estates of deceased persons."

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills No 19, 29, 32, 47, 48 and Substitute for House Bill No. 31.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration a Resolution for the investigation of the office of the State Superintendent of Public Instruction, respectfully report as follows: That said Resolution do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 37, respectfully report as follows: That House Bill No. 37 be amended as follows:

In line 17 of said Bill, after the word "Any" by the insertion of the word "Such".

After the word "Certificate" in line 17, the insertion of the following: "Furnished by the Registrars of Motor Vehicles upon request by such dealers".

By changing Section 2 of the Act to read as follows: "The provisions of this Act shall not apply to motor vehicles during the period or time that such motor vehicles are used for bona fide demonstrating purposes."

By the addition of Section 3 to said Act as follows: "This Act shall be in full effect from the day of its passage and approval."

And as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Stockgrowing and Grazing, having had under consideration Senate Joint Resolution No. 4, respectfully report as follows: That Senate Joint Resolution No. 4 be concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 36, respectfully report as follows: That House Bill No. 36 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 60, respectfully report as follows: That House Bill No. 60 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 66, respectfully report as follows: That House Bill No. 66 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 65, respectfully report as follows: That House Bill No. 65 do pass.

STROMNES, Chairman.

Report adopted.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 69, introduced by Lemmer: A Bill for an Act entitled: "An Act to amend Section 3685 of the Revised Codes of Montana, 1935, fixing fishing and hunting license fees, powers under licenses, tagging of game carcasses, reports of killing of elk and deer, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Fish and Game.

House Bill No. 70, introduced by Cusick, Mitchell and others: A Bill for an Act entitled: "An Act to protect trade mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade mark, brand or name, through the use of voluntary contracts establishing minimum resale prices and providing for refusal to sell unless such minimum resale prices are observed." Referred to the Committee on Judiciary.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Joint Memorial No. 2 and House Joint Memorial No. 3, recommend:

That Senate Joint Memorial No. 2 be concurred in.

That House Joint Memorial No. 3 do pass.

KRUSE, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Thursday Morning, January 21st, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## EIGHTEENTH DAY

House of Representatives,  
Helena, Montana,  
January 21st, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Chatham, Cohen, Haight, Lovell, Masterson, Stromnes.

## COMMUNICATIONS AND PETITIONS

A Communication was read from the Libby Commercial Club regarding House Bill No. 54. It was referred to the Committee on Revenue and Taxation.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Stimatz: "A Bill for an Act to license dance halls; to define what shall constitute a dance hall; to provide rules and regulations governing the structure thereof and where the same may be located and how the same shall be conducted; providing that violations of this Act shall be a felony and fixing the penalty thereof."

By Committee on State Lands, by request: "A Bill for an Act authorizing and directing the State Treasurer to transfer the sum of fourteen thousand three hundred twelve dollars and eighty seven cents (\$14,312.87) from the State Public School General Fund to the Public School Interest and Income Fund, constituting funds inadvertently and unconstitutionally appropriated and diverted from the Public School Interest and Income Fund."

By Committee on State Lands, by request: "A Bill for an Act amending Section 884 of the Revised Codes of Montana of 1935 by adding thereto a new Subsection numbered Subsection 12 and relating to the duties of the Montana State Bureau of Mines and Geology."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills No. 15 and No. 22, report the same correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 21, respectfully report as follows: That House Bill No. 21 do not pass.

O'SHEA, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Engrossing, report the following bills correctly engrossed: House Bills Nos. 3, 17, 33 and House Joint Memorial No. 3.

PETERSON (Pondera), Chairman.

Report adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day read third time and passed,

title agreed to, and is herewith transmitted to the House for concurrence: Senate Bill No. 11, by Ecton.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

Referred to the Committee on Privileges and Elections.

### MOTIONS AND RESOLUTIONS

Upon motion made by Toomey the following House Resolution No. 3 was adopted.

House Resolution No. 3

Introduced by Toomey and others.

A RESOLUTION entitled: A Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration, methods and practices of the State Board of Equalization and into the handling of the various tax laws, and regulatory measures, the administration of which is confided to said Board, and all its affairs generally, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House.

BE IT RESOLVED BY THE HOUSE OF THE STATE OF MONTANA:

WHEREAS: The House of Representatives of the 24th Legislative Assembly after appropriate investigation adopted a Resolution censuring the State Board of Equalization for negligence in the performance of its duties, and there is in existence in the 25th. Legislative Assembly a substantial sentiment that the methods, practices and the administration of the State Board of Equalization and its handling of tax matters, beer administration, and its affairs generally are contrary to sound principles, and orderly procedure, and many members have been advised that an unhealthy condition exists in the offices of said Board. Therefore in justice to the people of the State and to said Board

BE IT RESOLVED by the House of the Twenty-fifth Legislative Assembly, that a Committee composed of five members of the House be appointed by the Speaker of the House, to make and conduct such investigation as it may deem advisable within the purview hereof, for the determination of the true facts relative to the administration of the State Board of Equalization of all of its affairs, business, actions, etc., and to recommend the passage of such Acts by the Legislative Assembly as may be beneficial to such administration, and

BE IT FURTHER RESOLVED, that said Committee shall organize and be given all necessary facilities of the House as to rooms, equipment, clerical and other assistants; said Committee shall keep a record of its proceedings and render to the House a full report of its findings and recommendations at such time as it may deem proper, and shall not later than the forty-fifth Legislative Day submit its final report; and

BE IT FURTHER RESOLVED, That said Committee be authorized and empowered to require the attendance of any and all witnesses necessary to the performance of its duty and said Committee is authorized and empowered through its Chairman, to issue subpoenae to require the attendance of any persons to testify, under oath, and to procure for examination by said Committee any books, papers and other documentary evidence of any nature or character under the control of such person or persons, and said Committee is authorized and empowered to require the sheriff of any county of the State of Montana to serve subpoenae issued by it; and said Committee shall be authorized to employ necessary aid in ascertaining the facts desired and to incur such expenses as may be necessary to properly make such investigation; and



BE IT FURTHER RESOLVED BY THE HOUSE, that said Committee be authorized to request the Attorney General of the State of Montana for an Assistant Attorney General of the State of Montana to attend all hearings of the Committee and render such assistance as may be proper in conducting such investigation; and

BE IT FURTHER RESOLVED, that all items of expense be returned by said Committee with its report, and that the Sergeant-at-arms of the House be, and is hereby instructed and authorized to pay any and all sums necessarily incurred by said Committee upon the presentation to him of a proper voucher signed by the Chairman of said Committee and the Speaker of the House.

The Speaker appointed the following Committee to act on same: Hedden, Chairman, Monahan, Vice Chairman, Manning, Toomey and Kruse.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 11, introduced by Ecton: A Bill for an Act entitled: "An Act to amend Section 1224.14 of the Revised Codes of Montana, 1935, relating to the percentage of electors required to vote on and to authorize a bond issue; and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Privileges and Elections.

House Bill No. 71, introduced by Mackie and Vanek: A Bill for an Act entitled: "An Act to amend Section 1622.2 of the Revised Codes of the State of Montana, 1935, relating to road supervisors abolished; and county surveyors and their salaries, of counties having a total registered vote of from seven thousand (7,000) to ten thousand (10,000)." Referred to the Committee on Townships and Counties.

House Bill No. 72, introduced by McLeod and others: A Bill for an Act entitled: "An Act to amend Section 3071 of the Revised Codes of Montana, 1935, relating to hours of labor for underground miners." Referred to the Committee on Labor.

House Bill No. 73, introduced by Measure: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana amendments to Sections 1-2-3-4-5-6-7-8-9-10-11-12-13-14-16-19-21-24-27-28-32-40-41-45, of Article V, of the Constitution of Montana, relating to the Legislative authority of the State of Montana, and providing that beginning with the regular session of Legislature in 1941, the Legislative authority of the State of Montana shall be vested in a Legislature consisting of one house of not more than eighty members, but with at least one member from each and every county, and providing for the election of said members of the Legislature, their term of office, salaries, powers, duties and the sessions of said Legislature: and, providing further, that all provisions in the Constitution and Laws of the state relating to the Legislature, Senate, House of Representatives and Joint Sessions thereof, to mean, insofar as applicable, said Legislature of one House; and, providing for the repeal of Sections 3-4-5 and 6 of Article Six of the Constitution of the State of Montana and providing for the repeal of all Acts or parts of Acts and Constitutional provisions in conflict herewith." Referred to the Committee on Constitutional Amendments.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on General Orders, report as follows:

Substitute House Bill No. 31 be amended as follows: by adding in Section 3 after the word "passage" the words "and approval". And as amended do pass.

House Bill No. 32 do pass.

House Bill No. 29 is passed for the morning session.

O'CONNOR, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Committee on Revenue and Taxation, Metlen, Chairman: A Bill for an Act entitled: "An Act amending Section 10400.1 of the Revised Codes of Montana of 1935, relating to tax on direct and collateral inheritances, bequests and devises, and on transfers of property; and defining clear market value."

By Metcalf: A Bill for an Act entitled: "An Act to amend Section 9078 of the Revised Codes of Montana, 1935, and to create Subsection 2 of Section 9078, relating to whom may be made party defendants."

By Phelan: "An Act to amend Section 2296, Revised Codes of Montana, 1935, relating to corporation license tax organizations exempt from, and repealing all Acts and parts of Acts in conflict herewith."

By Judiciary Committee, Stromnes, Chairman: A Bill for an Act entitled: "An Act to amend Section 5278.1 of the Revised Codes of Montana, 1935, relating to the issuance of bonds by cities and towns; validating proceedings for the issue and sale of bonds by cities and towns commenced or completed in accordance with the provisions of Chapter 399 of the Political Code of the Revised Codes of Montana, 1935, and repealing all Acts and parts of Acts in conflict herewith."

By Eggenberger: A Bill for an Act entitled: "An Act relating to the production and sale of dairy products, amending Sections 2620.4, 2620.20, 2620.34, and 2620.49, Revised Codes of Montana, 1935, defining dairy products, making it unlawful to manufacture, sell or offer for sale butter or other dairy products containing a less quantity of butterfat or other ingredient than herein required, location and construction of creameries, cheese factories, ice cream factories and ice cream mix factories, requiring the name of wholesale or manufacturer on butter packages or cartons, and defining pasteurization; and adding three new Sections to the Revised Codes of 1935 to be designated respectively as Sections 2620.70, 2620.71 and 2620.72, prescribing regulations governing the manufacture and sale of butter, for wholesale butter and cheese dealers' license, and for condemnation of unfit milk and cream containers; and repealing all Laws in conflict herewith."

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 44, respectfully report as follows: That House Bill No. 44 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 26, respectfully recommend that the same be referred to the Judiciary Committee.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 28, respectfully recommend that the same be referred to the Judiciary Committee.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 62, respectfully report as follows: That House Bill No. 62 do not pass.

CUSICK, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Kruse, duly seconded and carried, that House Bill No. 47 be taken from Genera Orders and re-referred to the Committee on Privileges and Elections.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 74, introduced by Committee on State Institutions, Public Buildings and Grounds, Shanley, Chairman: A Bill for an Act entitled: "An Act providing for the establishing and operation of a school for the blind and deaf in the new building erected for that purpose at Great Falls, Montana; and providing for the discontinuance of the present school for the blind and deaf, and providing additional housing and educational facilities for Montana State Training School at the present institution at Boulder, Montana." Referred to the Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 75, introduced by Hoiness, Anderson (Phillips), Anderson (Silver Bow), Minette, Heavlin, Shanley and Mackie: A Bill for an Act entitled: "An Act relating to motor vehicles, trailers and semi-trailers, the ownership thereof and other interests therein: Providing for the registration thereof and the issuance of certificate of title and certificate of registration; providing for the assignment and distribution of license plates; providing for the licensing of persons in the business of dealing in motor vehicles and accessories; providing for the distribution of registration fees; providing for the time of assessment and assessment and levy of taxes on motor vehicles and collection of taxes thereon, and distribution of the same, and to harmonize such provisions with existing law relating to assessment of personal property: Providing for the filing of mortgages and conditional sales contracts and the filing of releases therefrom; providing for the enforcement of this Act, and providing penalties for the violation thereof; and to amend Sections 1759, 1759.4, 1759.2, 1759.3, 1758, 1758.2, Subdivisions A and D, Section 1758.3, Subdivision E, Section 1758.4 and Section 2002, Revised Codes of Montana, 1935, and repealing Section 1755.4 and Section 1755.5 of the Revised Codes of Montana, 1935, (originally Section 2, Chapter 171, Laws of the Twenty-first Legislative Assembly of Montana, 1929, erroneously numbered Section 1755.5, Revised Codes of Montana, 1935)." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 76, introduced by Dougherty: A Bill for an Act entitled: "An Act to amend Section 10307 of the Revised Codes of Montana, 1935, relating to the order in which debts are to be paid against estates of deceased persons." Referred to the Committee on Judiciary.

House Bill No. 77, introduced by Employment Committee: A Bill for an Act entitled: "An Act to amend Section 63 of the Revised Codes of Montana, 1935, relating to the number, designation, election and appointment of officers and employees of the House of Representatives." Referred to the Committee on Economy.

House Bill No. 78, introduced by Smith and others: A Bill for an Act entitled: "An Act to amend Section 5766 of the Revised Codes of Montana, 1935, relating to the period of residence required to entitle plaintiff to divorce." Referred to the Committee on Judiciary.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Joint Memorial No. 2 was concurred in by the House by the following vote.

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McLeod, McKenna, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 92.

Noes: None.

Absent and not voting: Campbell, Chatham, Cohen, Haight, Holecek, Joffray, Lovell, Masterson, Minette, Toomey. Total 10.

It was moved by Spiegel, duly seconded and carried, that the rest of the Bills on Third Reading, be read, history, title and number of sections only.

House Bill No. 3, passed the House by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 93.

Noes: None.

Absent and not voting: Campbell, Chatham, Cohen, Haight, Joffray, Lovell, Masterson, Toomey, Wood. Total 9.

House Bill No. 17 passed the House by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman,



Brennan, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Eewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecck, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 92.

Noes: None.

Absent and not voting: Bower, Burns, Campbell, Chatham, Cohen, Haight, Lovell, Masterson, Toomey, Wood. Total 10.

House Bill No. 33 passed the House by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Eewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecck, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 94.

Noes: None.

Absent and not voting: Campbell, Chatham, Cohen, Haight, Lovell, Masterson, Toomey, Wood. Total 8.

House Joint Memorial No. 3 passed the House by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Eewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecck, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 94.

Noes: None.

Absent and not voting: Campbell, Chatham, Cohen, Haight, Lovell, Masterson, Toomey, Wood. Total 8.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders.

Stromnes in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on General Orders, recommend the following:

That House Bill No. 8 be amended in Line 2, Section 1, by striking out the word "hold" and inserting the word "sold". And as amended do pass.

That House Bill No. 15 be amended in Line 3, Section 1, by adding the words "Section 7726" after the introduction to Section 1. Also amend Section 1 by inserting in Line 12, after the word "loan" the following: "whether said loan is a money loan or a loan arising out of the financing of goods or merchandise sold on monthly payments." And as amended do pass.

That House Bill No. 19 do pass.

That House Bill No. 29 be amended as follows:

The Title have added after the figures "1935" the words "relating to health, sanitation and safety in certain coal mines."

Insert after the enacting clause the following: Section 1. That Section 3486 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

Insert a new paragraph after Line 21 to read as follows: Section 2. That Section 3501 of the Revised Codes of Montana of 1935 be and the same is hereby amended to read as follows:

Insert a new paragraph after Line 45 to read as follows: Section 3. That Section 3504 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

Insert a new Section after Line 69 to read as follows: Section 4. This Act shall be in full force and effect from and after its passage and approval.

And as amended do pass.

STROMNES, Chairman.

Report adopted.

A Resolution was read and adopted on the death of Thomas G. Nielson, Attache of the House of the Twenty-fifth Legislative Assembly.

It was moved by Spiegel, duly seconded, and carried, that the House adjourn until 10:00 o'clock A. M., Friday, January 22nd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## NINETEENTH DAY

House of Representatives,  
Helena, Montana,  
January 22nd, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following, who were excused: Campbell, Haight, Levisce, Longenecker, Masterson, Stortz, Wood.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Monahan: A Bill for an Act entitled: "An Act to amend Section Number 5715 of the Revised Codes of Montana of 1935, relating to the evi-

dence required by the Clerk of the District Court in issuing marriage licenses and repealing all Acts and parts of Acts in conflict herewith."

By Hamilton, Cruickshank, Kruse, Spiegel, Goodwin, Toomey: A Bill for an Act entitled: "An Act to establish a retirement system to provide for the retirement upon retirement allowances of public school teachers in the State of Montana; establishing a retirement board for the administration of such system; fixing the membership thereof and providing retirement allowances thereunder; establishing certain funds for the administration of said system and providing for the securing of the moneys, income and revenue for the maintenance of such funds and providing for the appropriation of such funds as are necessary; and providing for the discontinuing of the retirement system established by section 1113 to 1132, inclusive, of the Revised Codes of Montana of 1935."

By Levissee, O'Shea, Bloom, Alvord, Lehrkind, Cruickshank: A Bill for an Act entitled: "An Act for the submission to the qualified Electors of the State of Montana of an amendment to Section 5 of Article 16, of the Constitution of the State of Montana, relating to the term for which County Officials shall be elected."

By Peterson of Sheridan, Tyler: A Bill for an Act entitled: "An Act to amend Chapter 122, Session Laws of the Twenty-fourth Session Laws of Montana, 1935, relating to an emergency Act relating to the granting of relief from mortgage foreclosure and from execution sales of real estate; providing for the extending of the period of redemption from said mortgage foreclosures and execution sales and designating the procedure to obtain such relief and the authority of Courts in relation thereto; limiting the right to maintain actions for deficiency judgments; extending the expiration of certain periods of redemption and repealing all Acts and parts of Acts in conflict herewith."

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on engrossing, beg leave to report the following bills correctly engrossed: House Bill No. 31 and House Bill No. 32.

PETERSON, Pondera, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on printing, to whom was referred House Bills Nos. 6, 36, 37, 39, 60, 65, 66, House Joint Memorial No. 2 and House Memorial No. 1, beg leave to report that the same have this date been returned from the printer correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 74 respectfully report as follows: That House Bill No. 74 do pass.

SHANLEY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 64 respectfully report as follows: That House Bill No. 64 do pass.

PHELAN, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. B. No. 12, was this day read third time and passed, title agreed to and bill is herewith transmitted to the House for concurrence.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

It was moved by Spiegel, duly seconded and carried that messages from the Senate be considered read and so shown in the Journal.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried that House Bill No. 22 be taken from General Orders and referred to the Judiciary Committee.

### INTRODUCTION OF BILLS

House Bill No. 79, introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act amending Section 10400.1 of the Revised Codes of Montana of 1935, relating to Tax on direct and collateral inheritances, bequests and devises and on transfers of property; and defining clear market value." Referred to Committee on Revenue and Taxation.

House Bill No. 80, introduced by Phelan: A Bill for an Act entitled: "An Act to amend Section 2296 Montana Revised Codes of 1935; relating to corporatoin license Tax organizations exempt from, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Revenue and Taxation.

House Bill No. 81, introduced by the Committee on State Lands, by request: A Bill for an Act entitled: "An Act authorizing and directing the State Treasurer to transfer the sum of fourteen thousand three hundred twelve dollars and eighty seven cents (\$14,312.87) from the State Public School General Fund to the Public School interest and income fund, constituting funds inadvertently and unconstitutionally appropriated and diverted from the Public School interest and income fund." Referred to Committee on State Lands.

House Bill No. 82, introduced by Eggenberger: A Bill for an Act entitled: "An Act relating to the production and sale of dairy products, amending Sections 2620.4, 2620.20, 2620.34 and 2620.49, Revised Codes of Montana 1935, defining Dairy Products, making it unlawful to manufacture, sell or offer for sale butter or other dairy products containing a less quantity of butterfat or other ingredient than herein required, location and construction of Creameries, Cheese Factories, Ice Cream Factories and Ice Cream Mix Factories, requiring the name of wholesaler or Manufacturer on butter packages or cartons, and defining pasteurization; and adding three new sections to the Revised Codes of 1935 to be designated respectively as Sections 2620.70, 2620.71 and 2620.72, prescribing regulations governing the manufacture and sale of butter, for wholesale Butter and Cheese Dealers' license, and for condemnation of unfit milk and cream containers; and repealing all Laws in conflict herewith." Referred to Committee on Dairying.

House Bill No. 83, introduced by Metcalf: A Bill for an Act entitled: "An Act to amend Section 9078 of Revised Codes of Montana, 1935, and to create subsection 2 of Section 9078, relating to whom may be made Party Defendants." Referred to Committee on Judiciary.

Senate Bill No. 12, introduced by Foor, Anderson, Robson, Plumer, Nass, Angvick, Baker of Dawson, Mahoney, Hammond, Starks, Sibbert, Chapman: A Bill for an Act entitled: "An Act to amend Section 11973 of the Revised Codes of the State of Montana of 1935, relating to separate trials of Defendants jointly charged with a public offense." Referred to Committee on Judiciary.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:



Substitute House Bill 31 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Trandum, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 86.

Noes: Chamberlain, DeDobbeleer, Green, Hess, Lambert, Leeson, McKenna, Toomey, Whaley. Total 9.

Absent and not voting: Campbell, Haight, Longenecker, Masterson, Schneider, Stortz, Waldrop. Total 7.

House Bill No. 32 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson of Sheridan, Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 94.

Noes: Minette. Total 1.

Absent and not voting: Campbell, Eggenberger, Haight, Longenecker, Masterson, Schneider, Waldrop, Total 7.

It was moved by Smith, duly seconded and carried that House Bill No. 8 be taken from the Engrossing Committee and referred to the Judiciary Committee.

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

#### CONSIDERATION OF GENERAL ORDERS

Mulholland in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Joint Resolution No. 1 and No. 4 and House Joint Memorial No. 1, recommend the following:

That House Joint Resolution No. 1 be passed for the day.

That House Joint Resolution No. 4 do pass.

That House Joint Memorial No. 1 do pass.

MULHOLLAND, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Kruse, Haight, Vanek: A Bill for an Act entitled: "An Act to amend Section 2295.2 and 2295.28 of the Revised Codes of the State of Montana of 1935, relating to the rate of income Tax and changing said rate of Income Tax and the Disposition of the Revenue therefrom."

By Judiciary Committee, by request, Stromnes, Chairman: A Bill for an Act entitled: "An Act to re-enact Section 4466 of the Revised Codes of Montana, 1935, legalizing and validating sales of real property owned by any County in this State by the Board of County Commissioners thereof, and for the purpose of validating all such sales made by any such County subsequent to the last re-enactment of said section 4466."

By Mackie, Bloom, Burns, McLeod, Spiegel: A Bill for an Act entitled: "An Act to preserve the coal resources of the State of Montana from too rapid exhaustion without corresponding benefit to the State and to classify methods of mining coal and to distinguish underground mining of coal from strip mining of coal and open pit mining of coal; and an Act to amend sections 2316 to 2326, Revised Codes of Montana, 1935, requiring every person, Firm, Association, Joint Stock Company and Corporation, engaged in or carrying on the business of coal mining, or engaged in working or operating any mine or mining property in the State of Montana, from which coal is mined, produced or extracted, to pay to the State Treasurer for engaging in and carrying on such business by any method, certain license taxes for the exclusive use and benefit of the State of Montana; fixing the amount and disposition of such license taxes; prescribing a method for the assessment and collection thereof; and prescribing the penalties for the violations of the provisions of this Act."

By Brayman: A Bill for an Act entitled: "An Act amending Sections 4554, 4556, 4557, 4558, 4560, of the Revised Codes of Montana, 1935, relating to jurisdiction over wrestling, boxing and sparring matches; providing for the issuance of licenses and applications for licenses and providing for a duration of bouts, glove specifications, physical examinations of participants, forfeiture of license for conducting fake bouts; providing penalty for participating in fake bouts and providing for the bond of an applicant for license."

By Joffray: A Bill for an Act entitled: "An Act providing that all materials, goods, supplies, etc., purchased by the State of Montana for use in its institutions, boards, commission, offices, etc., shall be the product of union labor and bear the union label of any organization affiliated with or recognized by the American Federation of Labor, and providing penalty for violation and not affecting Sections 260 and 261, Revised Codes of Montana, 1921."

By Holecsek: A Bill for an Act entitled: "An Act to amend Section 562 of the Revised Codes of Montana 1935, providing for the cancellation of registry for failure to vote and re-registration; and providing further that registry be cancelled for voting by absent voters ballot and the matter of re-registration thereof."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 11 and 30, beg leave to report that the same have this date been returned from the printer correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Military Affairs, having had under consideration House Bill No. 63, respectfully report as follows: That House Bill No. 63 do pass.

BRAYMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 9, respectfully report as follows: That Senate Bill No. 9 be amended as follows:

Strike out the words "all of" in Line 18 of Section 1 of the original bill, being Line 6 of Section 1 of the printed bill.

Strike out the word "present" in Line 19, Section 1 of the original bill, being Line 7, Section 1 of the printed bill, and insert in lieu thereof, the words "Twenty-fifth."

Change the period at the end of present Section 3 in both the original bill and the printed bill to a semi-colon and add the following: "and nothing herein contained shall affect the existence, validity, or enforcement, of any act, enactment, statute, or code section, omitted by said commissioner from said revision," and as amended be concurred in.

STROMNES, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to, and are herewith transmitted to the House for concurrence: S. J. R. No. 1, S. B. No. 1, Substitute S. B. No. 4.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried that House Resolution, introduced by Metcalf, as follows, be adopted:

WHEREAS, it is known that the Montana Extension Service has allowed and tacitly approved practices of fraud and deceit upon the dairy farmers of this State in sponsoring sales of pedigreed bulls wherein such pedigrees were forged and false, and in disregarding evidence of such misrepresentation when investigation was demanded; and,

WHEREAS, the officials of the Extension Service have invalidly, illegally and unjustly deprived members of a certain Dairy Herd Improvement Association of federal supplies to which said Association was rightfully entitled, thus seriously curtailing the activities and duties of said Association; and,

WHEREAS, this condition has created a deplorable situation and is causing distrust and suspicion to poison the minds of the farmers of the State of Montana, and impairing their confidence in any farm program and causing the farmers familiar with the Extension Service to avoid all cooperation with farm agencies to the detriment of the agricultural interests of the whole state, and creating distrust of other departments of the State of Montana who are not guilty of such practices; and,

WHEREAS, it is highly desirable that the regular session of the Twenty-fifth Legislative Assembly be fully apprised of all the facts, conditions and circumstances in connection with the administration and activities of the Montana Extension Service.

THEREFORE, BE IT RESOLVED: That a special committee of five be appointed by the Speaker to ascertain whether the Montana Extension Service is being properly conducted, whether there are any irregularities, bad practices, or unbusinesslike methods by said Extension Service or any employees thereof, make their findings as a result thereof, and report back to the House of Representatives with recommendations in regard thereto; that the committee be and it is hereby given plenary power to subpoena witnesses and to require the attendance of any person or persons whose testimony may be material or proper and to issue subpoena duces tecum, and compel the production of any and all books, records or other necessary evidence before it for its consideration and shall be accorded all the facilities of the House and its employees therein.

### INTRODUCTION OF BILLS

Senate Joint Resolution No. 1, introduced by Meyer, Simmons, Foor: A joint resolution providing for the employment of additional help during the Twenty-fifth Legislative Session of the State of Montana. Appropriations committee.

Senate Bill No. 1, introduced by Oliver and Weinschrott and Pauline: A Bill for an Act entitled: "An Act to permit real property to be redeemed from Tax sale by paying the original tax, provided such original taxes be paid on or before December first, 1938, and relating to the time of taking tax deed." Revenue and Taxation.

Substitute Senate Bill No. 4, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2815.77 of the Revised Codes of Montana of 1935 relating to permits for residents and temporary residents, special permits, fees, and repealing all Acts and parts of Acts in conflict herewith." Judiciary Committee (Fault in history of bill).

House Bill No. 84, introduced by the Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 5278.1 of the Revised Codes of Montana, 1935, relating to the issuance of bonds by cities and towns; validating proceedings for the issue and sale of bonds by cities and towns commenced or completed in accordance with the provisions of Chapter 399 of the Political Code of the Revised Codes of Montana, 1935, and repealing all Acts and Parts of Acts in conflict herewith." Judiciary Committee.

House Bill No. 85, introduced by Scott: A Bill for an Act entitled: "An Act to amend Section 2520 of the Revised Codes of Montana 1935, relating to the registry of Births." Public Health Committee.

House Bill No. 86, introduced by Levisse, Alvord, Cruickshank, Lehr-kind, O'Shea, Padbury: A Bill for an Act entitled: "An Act to provide for the submission of the Qualified Electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to the qualifications and terms of office of County Officers." Committee on Constitutional Amendments.

### THIRD READING OF BILLS

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Joint Resolution No. 4, was concurred in by the House by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holeccek, Ijams, Jackson, Joffray,



Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levi-see, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 97.

Absent: Campbell, Longenecker, Masterson, Peterson (Pondera), Phelan. Total 5.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Toomey in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 66, House Bill No. 6, House Bill No. 36, House Bill No. 37, House Bill No. 39, recommend the following:

That House Bill No. 66 do pass.

That House Bill No. 6 be amended as follows:

By striking out in line six the semi-colon and inserting in lieu thereof a "comma", in section 2.

By striking out in line 13, Section 3, "1934" and inserting in lieu thereof the figures "1936".

As amended, do pass.

That House Bill No. 36 do pass.

That House Bill No. 37 do pass as amended:

By adding in line 7, Section 1, after the word "certificate," words "on a printed form to be."

That House Bill No. 39 do pass.

TOOMEY, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Railroads and Railroad Transportation, having had under consideration House Bill No. 13, respectfully report as follows:

That House Bill No. 13 be amended as follows:

That the title of the Bill be amended to read as follows: "An Act regulating the operation of railroads within the State of Montana, limiting the length of freight and passenger trains under the general Police Powers of the State of Montana in the interest of Public Safety and providing penalties for the violation of this Act."

That a new Section be added to be known as Section 3 to read as follows:

"Section 3. It is hereby declared to be the express intent of the Legislature that this Act be enacted under the General Police Powers of the State of Montana in the interest of Public Safety."

And that the present Sections 3 and 4 be numbered Sections 4 and 5 respectively.

That amended Section 5 be further amended by inserting after the word "Force" and before the word "After" the words "Sixty days."

And as amended do pass.

HOLECEK, Chairman.

Report adopted.

It was moved by Lovell, duly seconded and carried that the House adjourn until 10:00 o'clock, Monday morning, January 25th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## TWENTY-SECOND DAY

House of Representatives,  
Helena, Montana  
January 25, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Holecek, Miles, O'Shea, Phelan, Trandum.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Sixteenth, Seventeenth, Eighteenth and Nineteenth Legislative Days find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Elliott: A Bill for an Act entitled: "An Act to amend Section 7189.1 of the Revised Codes of Montana of 1935, the same being Section 1 of Chapter 54 of the Laws of 1923, relating to irrigation districts."

By D'Ewart: "An Act to amend Section 3696 of the Revised Codes of Montana, 1935, relating to the opening and closing of the hunting season on certain areas in Park County."

By Lasby: "An Act declaring vacant all offices the tenure and term of which are not fixed by the Constitution and which offices are held by reason of appointment from any Governor, past or present, of the State of Montana; and providing for the appointment of all officers to such offices as are declared vacant by this Act, and relating to the tenure and term of all offices the tenure and term of which are not fixed by the Constitution and who hold office under an appointment from the Governor; and repealing all Acts and parts of Acts in conflict herewith."

By Military Affairs Committee, Brayman, Chairman: "An Act to provide for the printing of all legislation of the State of Montana relative to and applicable to war veterans and their dependents, and for the distribution of said printed legislation to all veterans and ex-service men's organizations within the State of Montana, and appropriate money not to exceed five hundred (\$500.00) dollars therefor."

By Committee on Livestock and Public Ranges, Sherman, Chairman: A Bill for an Act entitled: "An Act creating the Montana Grazing Commission; defining its purpose; defining terms, words and phrases; providing for the membership, the appointment and compensation thereof; defining the powers and prescribing the duties of said commission; granting said commission the power to sue and be sued; granting certain authority

over grazing districts and the power to hear and determine controversies between grazing districts or grazing districts and members or non-members thereof; providing for the appointment of a State Grazing Administrator and defining his powers and duties; providing for hearings by the Administrator or any member of the Commission delegated to hold the same and for appeal to the Montana Commission from the decision and orders thereon; authorizing the imposition of fees by grazing districts to defray expenses of the Commission as provided in this Act; creating a fund to be known as the State Grazing Fund; granting the Commission the right to come under the provisions of the Budget Act; providing for the creation and the incorporation of Cooperative Grazing Districts and defining their powers and duties; and defining who may become members thereof; and the rights and privileges of members; to authorize such Districts to purchase livestock supplies, to lease, purchase or otherwise acquire the possession of land for grazing purposes, conservation, restoration and improvement of forage resources; prescribing the By-Laws of such Districts; granting to the Montana Grazing Commission supervisory authority over Grazing Districts; providing for cooperation of and with governmental departments or agencies; defining the manner of distributing grazing preferences and the revocation thereof, providing for the liquidation of the assets of a District upon its dissolution and providing the compensation to a District for range improvements by subsequent lessees or owners of land; providing for the use of lands lying within the exterior boundaries of a district controlled by a non-member; to grant the Commission the authority to prepare and approve rules and regulations for the purpose of carrying out the provisions of this Act; to define the terms "trespass" and legal fence as relates to Grazing Districts and provide penalties for the violation thereof; and repealing Sections 7364.7 to 7364.29 inclusive, of the Revised Codes of Montana, 1935, and providing for Associations incorporated under previous Acts to comply with the provisions of this Act. Making an appropriation therefor for the carrying out of this Act."

By Lambert: A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana removing the County Superintendent of Schools from the list of county officers which are to be elected in each county."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Highways, having had under consideration House Bill No. 7, respectfully report as follows: That House Bill No. 7 be amended as follows:

Amend Line 33 of Subsection (b) on Page 3 by striking out the period after the word "council", substituting a comma, and adding the following in the same line after council: Except in counties where surveyors are on the regular monthly payroll of their respective counties and have been in charge of city road work, such County Surveyors shall have supervision over such work of the county within whose boundaries such city is situated, subject to the control of the said City Council and Surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision to the County Surveyor shall not exceed five per cent (5%) of the cost of said work.

And as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 81, respectfully report as follows: That House Bill No. 81 do pass.

MILLER (Big Horn), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 75, respectfully report as follows: That House Bill No. 75 do pass.

CUSICK, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 15, 19 and 29.

PETERSON (Pondera), Chairman.

Report adopted.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 87, introduced by Brayman: A Bill for an Act entitled: "An Act amending Sections 4554, 4556, 4557, 4558, 4560, of the Revised Codes of Montana, 1935, relating to jurisdiction over wrestling, boxing and sparring matches; providing for the issuance of licenses and applications for licenses and providing for a duration of bouts, glove specifications, physical examinations of participants, forfeiture of license for conducting fake bouts; providing penalty for participating in fake bouts and providing for the bond of an applicant for license." Referred to the Committee on Judiciary.

House Bill No. 88, introduced by Kruse, Haight and Vanek: A Bill for an Act entitled: "An Act to amend Sections 2295.2 and 2295.28 of the Revised Codes of the State of Montana of 1935, relating to the rate of income tax and changing said rate of income tax and the disposition of the revenue therefrom." Referred to the Committee on Revenue and Taxation.

House Bill No. 89, introduced by Peterson (Sheridan) and Tyler: A Bill for an Act entitled: "An Act to amend Chapter 122, Session Laws of the Twenty-fourth Session Laws of Montana, 1935, relating to an Emergency Act relating to the granting of relief from mortgage foreclosure and from execution sales of real estate; providing for extending the period of redemption from said mortgage foreclosures and execution sales, and designating the procedure to obtain such relief and the authority of courts in relation thereto; limiting the right to maintain actions for deficiency judgments; extending the expiration of certain periods of redemption, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 90, introduced by Monahan, by request: A Bill for an Act entitled: "An Act to amend Section 5715 of the Revised Codes of Montana of 1935, relating to the evidence required by the Clerk of the District Court in issuing marriage licenses, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 91, introduced by Mackie and others: A Bill for an Act entitled: "An Act to preserve the coal resources of the State of Montana from too rapid exhaustion without corresponding benefit to the state and to classify methods of mining coal and to distinguish underground mining of coal from strip mining of coal and open pit mining of coal; and an Act to amend Sections 2316 to 2326, Revised Codes of Montana, 1935, requiring every person, firm, association, joint stock company and corporation, engaged in or carrying on the business of coal mining, or engaged in working or operating any mine or mining property in the State of Montana, from which coal is mined, produced or extracted, to pay to the State Treasurer for engaging in and carrying on such business by any method, certain license taxes for the exclusive use and benefit of the State of Montana; fixing the amount and disposition of such license taxes; prescribing a method for the assessment and collection thereof; and pre-



scribing the penalties for the violations of the provisions of this Act." Referred to the Committee on Revenue and Taxation.

House Bill No. 92, introduced by Campbell: A Bill for an Act entitled: "An Act to amend Sections 11566.1 and 11566.2 of the Revised Codes of Montana, 1935, relating to the sale of beer to minors; providing the violation therefor shall be a misdemeanor and fixing the penalty therefor." Referred to the Committee on Public Morals.

## MOTIONS AND RESOLUTIONS

The House gave unanimous consent, that Bills on Third Reading be read by History, Title and Section number only unless otherwise requested.

### THIRD READING

The following, having been read three several times, history and title agreed to, were passed by the following vote:

House Bill No. 29 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson, Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood, Cusick, Mr. Speaker. Total 90.

Noes: Chatham, Kelson, Toomey, Whaley. Total 4.

Absent and not voting: Holecek, Love, Manning, Miles, Phelan, Shanley, Sorte, Trandum. Total 8.

House Bill No. 15 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Green, Haight, Hamilton, Haugan, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Mr. Speaker. Total 73.

Noes: Cohen, Elliott, Goodwin, Heavlin, Hedden, Hoiness, Joffray, Kelson, Levissee, Longenecker, Love, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Smith, Stromnes, Toomey, Wenger, Wood. Total 21.

Absent and not voting: Acher, Hardcastle, Holecek, Miles, Phelan, Scott, Shanley, Trandum. Total 8.

House Bill No. 19 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman,

Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: Chatham, Crouse, D'Ewart, Dougherty, Haugan, Hedden, Hoiness, Kelson, Levissee, Longenecker, Love, Metlen, Padbury, Scofield, Smith, Toomey, Minette. Total 17.

Absent and not voting: Holecek, Miles, Phelan, Shanley, Trandum. Total 5.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 11 be amended as follows: Add the following section: "Section IX. This Act shall be in full force and effect from and after its passage and approval." And as amended do pass.

That House Bill No. 30 be amended as follows: Amend Section 1 as follows: Strike out in line 7 of the printed bill the words "fifteen (15) days" and in line 10 the words "fifteen (15) days" and inserting in lieu thereof the word in line 7 "sixty (60) days" and in line 10, the words "sixty (60) days". And as amended do pass.

That consideration of House Bill No. 48 be passed for the day.

That House Bill No. 60 be amended as follows: Amend the title by striking out in line 4, in the printed bill, the word "officers" and inserting in lieu thereof the word "offices", and that the same do pass as amended.

That House Bill No. 65 do pass.

That House Memorial No. 1 do pass.

That House Joint Memorial No. 2 do pass.

That House Joint Resolution No. 1 be amended as follows: Add in line 3 of the title after the word "authorizing", the words "and directing" and in line 9 of the printed Resolution after the word "requested" the words "and directed", and that the same do pass as amended.

That Senate Bill No. 9 be concurred in.

HAIGHT, Chairman.

Report adopted.

The Speaker announced the committee to conduct the investigation of the office of the Superintendent of Public Instruction, as follows: Lippard, Chairman, Alvord, Hamilton, O'Connor, and Longenecker.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Conner, Jackson, Peterson (Pondera) and Ruffcorn: A Bill for an Act entitled: "An Act to provide a license tax on all persons, associations, or corporations owning or operating a telephone business in this state."

By Committee on Public Morals: "A Bill for an Act prohibiting premises where beer is sold to be open during certain hours, providing that violations thereof shall be a misdemeanor and fixing the penalty thereof."

By Brennan: "An Act to amend Section 135 of the Revised Codes of Montana of 1935, as amended by Chapter 22 of the Laws of the Twenty-first Legislative Assembly of 1929, and Sections 303, 384 and 521 of the Revised Codes of Montana of 1935, relating to the distribution of public documents and reports."

By Lambert: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to Sections 1 and 2 of Article VII of the Constitution of the State of Montana, changing the date on which the term of office of the Superintendent of Public Instruction shall commence, from the first Monday in January to the first Monday in July, and providing that the Legislative Assembly shall determine the manner of selecting the Superintendent of Public Instruction."

By Lambert: A Bill for an Act entitled: "An Act creating a Department of Civil Service for the State of Montana; prescribing the powers, duties, and procedure of the Civil Service Commission and the Director of the state civil service in said department; providing for and regulating the civil service in said state; prescribing penalties for the violation of the provisions of this Act; repealing certain Acts and parts of Acts inconsistent with the provisions of this Act; and making appropriation for the support of said department."

By Cruickshank: "An Act to amend Section 1057 of the Revised Codes of Montana of 1935, relating to the establishment and maintenance of kindergartens and providing for the establishment and maintenance of nursery schools."

By Cruickshank: "An Act to provide for the establishment of adult education schools or classes."

By Lasby: "An Act declaring the policy of the State of Montana as to alcoholic liquor, beer and malt beverages; creating the Montana Liquor Commission, prescribing its powers and duties, and providing for certain licenses to be issued by it; defining certain words and phrases and providing for the regulation, prohibition and licensing of the sale of alcoholic liquor in the State of Montana; providing for the imposition and collection of taxes; providing for the collection of taxes, license and permit fees by the Montana Liquor Commission and providing for the disposition of said fees; providing for the revocation of licenses and for the removal of certain officers and permitting certain suits for damages in connection with the violation of this Act; creating a special fund for the use and disposition of its receipts and providing an appropriation therefor; providing for the filing of bonds; providing penalties for the violation of this Act and parts thereof; repealing all Acts and parts of Acts in conflict with this Act; and repealing from and including Sections 2815.10 to and including Sections 2815.163 of the Revised Codes of Montana of 1935."

By Hamilton, Cruickshank, Spiegel, Kruse, Toomey and Goodwin: "An Act establishing a retirement system to provide for the retirement upon retirement allowances of public school teachers in the State of Montana; establishing a retirement Board for the administration of such

system; and fixing the powers and duties thereof; fixing the membership in the retirement system and providing retirement allowances thereunder; establishing certain funds for the administration of said system and providing for the securing of the moneys, income, and revenue for the maintenance of such funds and providing for the appropriation of such funds as are necessary; and providing for the discontinuing of the Retirement System established by Sections 1113 to 1132, inclusive, of the Revised Codes of Montana of 1935."

By Judiciary Committee: A Bill for an Act entitled: "An Act to re-enact Section 4466 of the Revised Codes of Montana, 1935, legalizing and validating sales of real property owned by any County in this State by the Board of County Commissioners thereof, and for the purpose of validating, all such sales made by any such County subsequent to the last re-enactment of said Section 4466."

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 1, respectfully report as follows: That Senate Bill No. 1 be referred to the Judiciary Committee.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Engrossing, report the following correctly engrossed: House Joint Memorial No. 1, House Bills Nos. 36, 37, 39 and 66.

PETERSON (Pondera), Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Burns, duly seconded and carried, that "a committee of five be appointed by the Chair to investigate the Montana Relief Commission by the House of Representatives of the State of Montana, to make and conduct such investigation as it may deem advisable within the purview hereof, for the determination of the true facts relative to the administration of the Montana Relief Commission and of the State Relief Administrator and all of the affairs, business, contracts, finances, etc., and to recommend the passage of such Acts by the Legislative Assembly as may be beneficial to the end that the purposes set forth in Chapter 109 of the Laws of 1935 be carried out to the fullest extent.

That said committee shall organize and be given all necessary facilities as to room, equipment, clerical and other assistance. Said committee shall keep a record of its proceedings and render to the House of Representatives a full report of its findings and recommendations at such time as it may deem proper, and shall not later than the forty-fifth legislative day submit its final report.

That said committee be authorized and empowered to require the attendance of any and all witnesses necessary to the performance of its duty and said committee is authorized and empowered through its chairman, to issue subpoenae to require the attendance of any persons to testify, under oath, and to procure for examination by said committee any books, papers and other documentary evidence of any nature or character under the control of such person or persons, and said committee is authorized and empowered to require the sheriff of any county of the State of Montana to serve subpoenae issued by it; and said committee shall be authorized to employ necessary aid in ascertaining the facts desired and to incur such expenses as may be necessary to properly make such investigation.

That all items of expense be returned by said committee with its report, and that the Sergeant-at-Arms of the House be, and he is hereby instructed



and authorized to pay any and all sums necessarily incurred by said committee upon the presentation to him of a proper voucher signed by the chairman of said committee and Speaker of the House."

It was moved by Hedden, duly seconded, that House Joint Memorial No. 1 be taken from the Committee on Engrossing and placed on General Orders for reconsideration. A roll call was demanded by the required number and the motion was lost by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Bjerneby, Bower, Brennan, Burns, Chamberlain, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Green, Haight, Hamilton, Haugan, Hedden, Hoiness, Jackson, Kruse, Leeson, Lehrkind, Levisee, Longenecker, Love, McKenna, Manning, Miller (Roosevelt), Miller (Big Horn), Minette, Mungas, Nelson, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Scofield, Stimatz, Tyler, Vanek, Waldrop, Wood, Johnson. Total 47.

Noes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Brayman, Campbell, Chatham, Cohen, Conner, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Heavlin, Hess, Ijams, Joffray, Kelson, Lambert, Lasby, Lemmer, Lippard, Lovell, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Mitchell, Monahan, Mulholland, O'Connor, O'Shea, Parker, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Wenger, Whaley, Mr. Speaker. Total 51.

Absent and Not Voting: Holecek, Miles, Phelan, Trandum. Total 4.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 93, introduced by Hoiness: A Bill for an Act entitled: "An Act to amend Sections 9664 and 9680, Revised Codes of Montana, 1935, relating to judgments by default and judgments (other than default) in Justice Courts." Referred to the Committee on Judiciary.

House Bill No. 94, introduced by Hamilton and others: A Bill for an Act entitled: "An Act establishing a retirement system to provide for the retirement upon retirement allowances of public school teachers in the State of Montana; establishing a retirement board for the administration of such system; and fixing the powers and duties thereof; fixing the membership in the retirement system and providing retirement allowances thereunder; establishing certain funds for the administration of said system and providing for the securing of the moneys, income, and revenue for the maintenance of such funds and providing for the appropriation of such funds as are necessary; and providing for the discontinuing of the retirement system established by Sections 1113 to 1132, inclusive, of the Revised Codes of Montana of 1935." Referred to the Committee on Appropriations.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 9 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Joffray, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lem-

mer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 96.

Noes: O'Shea. Total 1.

Absent and Not Voting: Holecek, Metlen, Miles, Phelan, Trandum. Total 5.

House Joint Memorial No. 1 was passed by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Cohen, Cusick, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Heavlin, Hess, Ijams, Jackson, Joffray, Kelson, Lambert Lasby, Lemmer, Lippard, Lovell, McClain, McLeod, Mackie, Masterson, Measure, Metlen, Minette, Mitchell, Monahan, Mulholland, Padbury, Parker, Reed, Schneider, Scott, Shanley, Sherman, Spiegel, Stortz, Stromnes, Toomey, Wenger, Whaley, Smith. Total 52.

Noes: Acher, Alvord, Anderson (Phillips), Brennan, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Green, Haight, Hamilton, Haugan, Hedden, Hoiness, Jackson, Kruse, Leeson, Lehrkind, Levissee, Longenecker, Love, McKenna, Manning, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mungas, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Scofield, Sorte, Stimatz, Tyler, Vanek, Waldrop, Wood, Mr. Speaker. Total 46.

Absent and Not Voting: Holecek, Miles, Phelan, Trandum. Total 4.

House Bill No. 36 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 97.

Noes: None.

Absent and Not Voting: Holecek, Love, Miles, Phelan, Trandum. Total 5.

House Bill No. 66 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson, (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sher-

man, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Tyler, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Burns, Conner, Cusick, Haight, Hess, Johnson, Lambert, Longenecker, Lovell, Metlen, O'Shea, Peterson (Pondera), Stimatz, Vanek. Total 14.

Absent and Not Voting: Acher, Daly, Holecek, Joffray, Miles, Phelan, Trandum, Waldrop. Total 8.

The following passed their vote: Hamilton. Total 1.

House Bill No. 39 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Ebbenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Joffray, Kelson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Bjorneby, Burns, Cusick, D'Ewart, Haight, Hedden, Johnson, Longenecker, Mungas, Peterson (Pondera), Scofield, Stimatz. Total 12.

Absent and Not Voting: Conner, Holecek, Kruse, Miles, Minette, Phelan, Trandum. Total 7.

House Bill No. 37 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 88.

Noes: Conner, D'Ewart, Green, Smith, Sorte, Stromnes, Tyler. Total 7.

Absent and not voting: Hoiness, Holecek, Miles, Minette, Peterson (Pondera), Phelan, Trandum. Total 7.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that appropriate notice of exercises in memory of Dr. Edward E. York, Clyde J. Quigley and James E. Leary, former members of the Twenty-fourth Legislative Assembly, be carried in the Journal, and that typewritten records of these proceedings, duly signed by the Speaker of the House be sent to the families of the deceased members.

Peterson (Sheridan) and Tyler addressed the Assembly in memory of Dr. Edward E. York who died at his home in Plentywood, June 23, 1935.

Anderson (Lincoln) addressed the Assembly in memory of James E. Leary who died at his home in Eureka, May 4th, 1935.



Anderson (Phillips) and Hamilton addressed the Assembly in memory of Clyde J. Quigley who died at Havre, Montana, July 13, 1935.

It was moved by Spiegel, duly seconded and carried, that the House stand adjourned as a further act of respect to said deceased members, until 10:00 o'clock A. M., Tuesday morning, January 26th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### TWENTY-THIRD DAY

House of Representatives,  
Helena, Montana,  
January 26th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: O'Shea, who was excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-second Legislative Day find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Trandum: A Bill for an Act entitled: "An Act relating to every Agent, Firm or Corporation, acting as an agent, Solicitor or Representative of a Life Insurance Corporation or Association, providing for the issuing of license by the Commissioner of Insurance defining the qualifications of Agent, Solicitor or Representative to whom a license has been issued, and providing for the examination of applicants for license by the Commissioner, prescribing the fee to be paid by the applicant for a license before taking the examination or engaging in business, providing for the annual license fee, prescribing the duties and powers of the Commissioner of Insurance regarding the issuing, revoking or cancelling of license of any Agent, granting right of appeal from the decision of the Commissioner of Insurance, and fixing penalties in connection therewith, and Specifically exempt fraternal associations or secret Societies who insure lives of their Members only, and repealing all Acts in conflict herewith."

By Schneider, Cruickshank, Masterson, Haight, Parker, Peterson of Sheridan, Tyler: A Bill for an Act entitled: "An Act to regulate the nomination and election of Superintendent of Public Instruction and all County Superintendents of Schools of the State of Montana; abolishing certain existing methods in such cases and the use of Party or Political designations at Elections to such offices; imposing certain duties upon the Secretary of State and County Officers having charge of election affairs and Judges and Clerks of Election, and adapting the provisions of the Laws as they now exist to the non-partisan Election of such Offices."

By Committee on Corporations other than Municipal, Freshman, Chairman: A Bill for an Act entitled: "An Act to amend Section 6651, Revised Codes of Montana, 1935, relating to the requirements of foreign Corporations to do business within this State."

By Burns, Cusick, Measure, Bjorneby: A Bill for an Act entitled: "An Act to amend Section 2634 of the Revised Codes entitled: An Act to promote



the development of the Montana Egg industry; to prohibit the sale of eggs unfit for human food; to prevent deception in the sale of eggs; and to encourage greater consumption thereof, by regulating and standardizing the grading classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this Act and repealing all Acts and parts of Acts in conflict herewith."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed: House Bill No. 13.

Report adopted.

MACKIE, Chairman.

### INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to Committees:

House Bill No. 95, introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Section 3696 of the Revised Codes of Montana, 1935, relating to the opening and closing of the Hunting Season on certain areas in Park County." Referred to Committee on Fish and Game.

House Bill No. 96, introduced by Judiciary Committee, by request; A Bill for an Act entitled: "An Act to re-enact Section 4466 of the Revised Codes of Montana, 1935, legalizing and validating sales of real property owned by any County in this State by the Board of County Commissioners thereof, and for the purpose of validating all such sales made by any such County subsequent to the last re-enactment of said Section 4466." Referred to Committee on Judiciary.

House Bill No. 97, introduced by Elliott, by request: A Bill for an Act entitled: "An Act to amend Section 7189.1 of the Revised Codes of Montana of 1935, the same being Section 1 of Chapter 54 of the Laws of 1923, relating to irrigation Districts." Referred to Committee on Irrigation and Water Rights.

House Bill No. 98, introduced by Brennan: A Bill for an Act entitled: "An Act to amend Section 135 of the Revised Codes of Montana of 1935, as amended by Chapter 22 of the Laws of the Twenty-First Legislative Assembly of 1929, and Sections 303, 384 and 521 of the Revised Codes of Montana of 1935, relating to the distribution of Public Documents and Reports." Referred to Committee on State Boards and Offices.

House Bill No. 99, introduced by Military Affairs Committee: A Bill for an Act entitled: "An Act to provide for the printing of all legislation of the State of Montana, and for the distribution of said printed legislation to all relative to and applicable to War Veterans and their dependents, Veterans and Ex-service Men's organizations within the State of Montana, and appropriate money therefore." Referred to Appropriations Committee.

House Bill No. 100, introduced by Committee on Livestock and Public Ranges: A Bill for an Act entitled: "An Act creating the Montana Grazing Commission; defining its purpose; defining terms, words and phrases; providing for the membership, the appointment and compensation thereof; defining the powers and prescribing the duties of said Commission; granting said commission the power to sue and be sued; granting certain authority over grazing Districts and the power to hear and determine controversies between grazing districts or grazing Districts and Members or non-Members thereof; providing for the appointment of a State Grazing Administrator and defining his powers and duties; providing for hearings by the Administrator or any Member of the Commission delegated to hold the same and for appeal to the Montana Commission from the decision and orders thereon; authorizing the imposition of fees by grazing Districts to

defray expenses of the Commission as provided in this Act; creating a fund to be known as the State Grazing Fund; granting the Commission the right to come under the provisions of the Budget Act; providing for the creation and the incorporation of cooperative Grazing Districts and defining their powers and duties; and defining who may become Members thereof; and the rights and privileges of Members; to authorize such Districts to purchase livestock supplies, to lease, purchase or otherwise acquire the possession of land for grazing purposes, conservation, restoration and improvement of forage resources; prescribing the by-laws of such Districts; granting to the Montana Grazing commission supervisory authority over grazing Districts; providing for cooperation of and with governmental departments or agencies; defining the manner of distributing grazing preferences and the revocation thereof; providing for the liquidation of the assets of a District upon its dissolution and providing the compensation to a District for range improvements by subsequent Lessees or Owners of land; providing for the use of lands lying within the exterior boundaries of a District controlled by a non-Member; to grant the Commission authority to prepare and approve Rules and Regulations for the purpose of carrying out the provisions of this Act; to define the terms trespass and legal fence as relates to grazing Districts and provide penalties for the violation thereof; and repealing Section 7364.7 to 7364.29 inclusive, of the Revised Codes of Montana, 1935, and providing for Associations incorporated under previous Acts to comply with the provisions of this Act; providing an appropriation for the carrying out of this Act." Referred to Committee on Appropriations.

House Bill No. 101: introduced by Lasby: A Bill for an Act entitled: "An Act declaring vacant all offices the tenure and term of which are not fixed by the Constitution and which offices are held by reason of appointment from any Governor, past or present, of the State of Montana; and providing for the appointment of all Officers to such offices as are declared vacant by this Act, and relating to the tenure and term of all Offices the tenure and term of which are not fixed by the Constitution and who hold office under an appointment from the Governor; and repealing all Acts and parts of Acts in conflict herewith." Referred to Judiciary Committee.

House Bill No. 102, introduced by Conner, Jackson, Peterson of Pondera and Ruffcorn: A Bill for an Act entitled: "An Act to provide a license tax on all persons, associations or Corporations owning or operating a telephone business in this State." Referred to Committee on Revenue and Taxation.

House Bill No 103, introduced by Lovell, Wenger, Finnegan, by request: A Bill for an Act entitled: "An Act to amend Section 2396.4 Revised Codes of Montana of 1935, relating to refund of gasoline tax, so that cities and towns shall be entitled to such refund for tax paid on gasoline used by such cities and towns in the performance of their governmental and proprietary functions." Referred to Committee on Highways and Highway Transportation.

### MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded and carried, that House Bill No. 99 be referred to the Committee on Military Affairs.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Burns: A Bill for an Act entitled: "An Act to amend Section 3000 of the Revised Codes of Montana, 1935, relating to the investment of reserve funds in certain securities, the payment of instalments and other disposition of reserve funds by the Industrial Accident Board and repealing all Acts and Parts of Acts in conflict herewith."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to amend Section 5221 of the Revised Codes of Montana of 1935, relating to the powers of City or Town Clerk and the City or Town Treasurer in collecting an annual road poll tax."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to amend Section 5039.61 of the Revised Codes of Montana of 1935, relating to the Powers of City or Town Councils to transfer or lease municipal property."

By Sorte, Alvord, Masterson: A Bill for an Act entitled: "An Act declaring certain lands forming part of the abandoned river bed of any navigable streams or lakes in this State and certain islands in such streams or lakes property of the State of Montana to be held in trust for the benefit of the Public Schools of the State; providing for the leasing and sale of such lands and the disposition of proceeds therefrom; providing for the survey of such lands; approving and confirming any action heretofore taken concerning the lease and sale of such lands and disposing of the proceeds thereof and repealing all Acts and Parts of Acts in conflict herewith."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to amend Section 5194 of the Revised Codes of Montana for 1935 relating to the limitation on amount of tax to be levied by Cities and Towns for municipal purposes and to the amount of tax that may be assessed and levied by Cities and Towns for the purpose of maintaining public parks in addition to the levy for general municipal or administrative purposes."

By Lemmer: A Bill for an Act entitled: "An Act relating to the acquisition by the United States of Lands and Waters within the State of Montana for the purpose of creating, developing and maintaining refuges for migratory waterfowl."

By Anderson of Chouteau, Lippard, by request: A Bill for an Act entitled: "An Act to amend Section 10726 of the Revised Codes of Montana of 1935, relating to the Act and intent or negligence, with which a crime is committed."

By Wood: A Bill for an Act entitled: "An Act to amend Section 191.2 of Chapter 20, Revised Codes of Montana, 1935, relating to the apportionment of funds received from the Federal Government under provision of the Taylor Grazing Act, and expenditure thereof."

## REPORTS OF STANDING COMMITTEES

The Committee on engrossing reported the following correctly engrossed: House Bill Nos. 6, 60, 65, 30, House Memorial No. 1, House Joint Memorial No. 2.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration Senate Joint Resolution No. 1, providing for the employment of additional help during the Twenty-fifth Legislative Session of the State of Montana, respectfully report as follows: That Senate Joint Resolution No. 1 be concurred in.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 2, respectfully report as follows: That House Bill No. 2 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Mileage and Per Diem, beg to submit the following report, indicating the number of miles traveled by the following Members of the House, and sums due them therefor, for the Session of the Twenty-fifth Legislative Assembly, convening January 4th, 1937.

Name	Residence	Miles	Amount
Tyler, R. G.	Homestead	58	\$4.06

Correction on original mileage.

WHALEY,  
PETERSON (Pondera),  
LASBY.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 83 respectfully report as follows: That House Bill No. 83 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 26 respectfully report as follows: That House Bill No. 26 do pass.

STROMNES, Chairman.

Report adopted.

The Committee on Printing reported the following correctly printed: House Bills Nos. 44, 63, 74, 81.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 84, respectfully report as follows: That House Bill No. 84 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 93, respectfully report as follows: That House Bill No. 93 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 4, respectfully report as follows: That Senate Bill No. 4 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 51, respectfully report as follows: That House Bill No. 51 be reported out without recommendation and be printed and placed on general orders.

MINETTE,  
LIPPARD,  
ALVORD,  
JACKSON,  
CONNER,  
KRUSE,  
SCHNEIDER,  
HAMILTON,  
GOODWIN.

Report adopted.



Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 14, respectfully report as follows: That House Bill No. 14 do not pass, and that Substitute House Bill No. 14, entitled:

"An Act providing for the greater security for the payment of wages and salaries of employees of persons, associations of persons or Corporations engaged in the business of mining and/or reducing and refining for market, metals or minerals including coal, oil, gas and any other metallic or non-metallic deposits in the State of Montana; defining terms used in this Act; providing for the licensing of employers in such business by the Department of Agriculture, Labor and Industry, and empowering said Department to enforce the provisions of this Act; providing for deposits by employers to secure the payment of wages and salaries; providing a payroll tax to maintain a fund for the purpose of defraying the expense of administering this Act; providing penalties for violations of the provisions of this Act; providing that the powers by this Act vested in the Department of Agriculture, Labor and Industry and the duties imposed upon said Department shall, in the event of the creation of a Department and/or Commissioner of Labor, pass to such Department or Commissioner of Labor as the case may be; and making other provisions incidental to the general purpose of this Act and repealing all Acts or Parts of Acts in conflict herewith." do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration, House Bill No. 78, respectfully report as follows: That House Bill No. 78 do pass.

STROMNES,  
BJORNEBY,  
LASBY,  
METCALF,  
SMITH,  
HEAVLIN,  
O'CONNOR,  
HOINESS,  
ALVORD,  
TOOMEY,  
RUFFCORN.

Report adopted.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to committees:

House Joint Resolution No. 2, introduced by Stortz: A Resolution empowering the Chairman of the Social Security Committee in the House of Representatives, and the Chairman of the Relief and Social Welfare Committee in the Senate to engage and employ temporarily, an expert to assist in devising and drafting present Social Security Legislation." Referred to Committee on Employment.

House Joint Memorial No. 4, introduced by McLeod: "A Memorial memorializing the Representatives of the state of Montana in the Congress of the United States to urge and support Legislation providing for a work week of thirty hours." Referred to Committee on Labor.

House Bill No. 104, introduced by Holecek: A Bill for an Act entitled: "An Act to amend Section 562 of the Revised Codes of Montana 1935, providing for the cancellation of registry for failure to vote and re-registration and providing further that registry be cancelled for voting by absent voters ballot, the manner of or re-registration thereafter, and requiring County Clerks to cancel registration of voters who voted by absent voters ballot at the General Election held November 3, 1936." Referred to Committee on Privileges and Elections.

House Bill No. 105, introduced by Lambert: A Bill for an Act entitled: "An Act to provide for the submission to the qualified Electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana removing the County Superintendent of Schools from the list of County Officers which are to be elected in each County." Referred to Committee on Constitutional Amendments.

House Bill No. 106, introduced by Lambert: A Bill for an Act entitled: "An Act to submit to the qualified Electors of the State of Montana an amendment to Sections 1 and 2 of Article VII of the Constitution of the State of Montana changing the date on which the term of office of the Superintendent of Public Instruction shall commence from the first Monday in January to the first Monday in July and providing that the Legislative Assembly shall determine the manner of selecting the Superintendent of Public Instruction." Referred to Committee on Constitutional Amendments.

House Bill No. 107, introduced by Padbury: A Bill for an Act entitled: "An Act creating the Office of State Comptroller, providing for his salary, salaries of Assistants, and defining his powers and duties; and repealing all Acts in conflict herewith." Referred to Committee on State Boards and Offices.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

House Memorial No. 1 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 87.

Noes: D'Ewart, Haugan, Hoiness, Kelson, Longenecker, Lovell, Metlen, Mungas, O'Connor, Padbury, Scofield, Smith, Toomey, Wood. Total 14.

Absent and not voting: O'Shea. Total 1.

House Joint Memorial No. 2 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 80.

Noes: Chamberlain, DeDobbeleer, D'Ewart, Elliott, Freshman, Haight, Heavlin, Hedden, Holecek, McKenna, Manning, Metlen, Minette, Mungas, Shanley, Smith, Sorte, Stortz, Toomey, Trandum, Mr. Speaker. Total 21.

Absent and not voting: O'Shea. Total 1.

House Bill No. 60 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daley, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levisce, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mungas, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: Anderson (Lincoln), Chamberlain, DeDobbeleer, Haugan, Kelson, Lambert, Leeson, Lovell, McLeod, Metcalf, Mulholland, Nelson, Peterson (Pondera), Smith, Sorte, Spiegel. Total 16.

Absent and not voting: O'Shea. Total 1.

House Bill No. 30 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bjerneby, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Heavlin, Hess, Holecek, Ijams, Jackson, Joffray, Kelson, Lasby, Lehrkind, Lemmer, Levisce, Lippard, Longenecker, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Stortz, Stromnes, Toomey, Tyler, Wenger, Whaley, Mr. Speaker. Total 65.

Noes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Chamberlain, Daly, Haight, Hamilton, Haugan, Hedden, Hoiness, Johnson, Kruse, Lambert, Leeson, Love, Lovell, Mackie, Masterson, Metlen, Miles, Miller (Roosevelt), Minette, Mungas, O'Connor, Phelan, Sherman, Smith, Sorte, Spiegel, Stimatz, Trandum, Vanek, Waldrop, Wood. Total 35.

Absent and not voting: O'Shea, Parker. Total 2.

Stortz, Daly and Lasby were excused from the House to meet with a Senate Committee on Relief.

Call of the House was demanded by the required number. Upon motion Call of the House dispensed with.

House Bill No. 65 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Kruse, Lehrkind, Lemmer, Levisce, Lippard, Love, Mackie, Manning, Masterson, Measure, Metlen, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Stimatz, Stromnes, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 66.

Noes: Anderson (Chouteau), Anderson (Lincoln), Bjerneby, Burns, Chamberlain, Cusick, DeDobbeleer, Finnegan, Hess, Johnson, Kelson, Lambert, Leeson, Longenecker, Lovell, McClain, McKenna, McLeod, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Schneider, Scott, Sorte, Spiegel, Tyler. Total 32.

Absent and not voting: Daly, Lasby, O'Shea, Stortz. Total 4.

House Bill No. 6 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Leeson, Lehr-kind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wal-drop, Wenger, Whaley, Mr. Speaker. Total 89.

Noes: Anderson (Lincoln), Brennan, Kelson, Lambert. Total 4.

Absent and not voting: Daly, Heavlin, Lasby, Masterson, Metlen, O'Shea, Schneider, Stortz, Wood. Total 9.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Spiegel in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That Senate Joint Resolution No. 1 be concurred in.

That Substitute Senate Bill No. 4 be amended as follows:

Amend Section 1 by adding in line 3 of the printed bill the word "Section" immediately preceding the figures 2815.77 and as amended be concurred in.

SPIEGEL, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded, that the House reconsider its action in passing on Third Reading, House Bill No. 65.

After considerable debate, the previous question was moved by O'Connor, duly seconded and carried.

Whereupon motion by Stromnes to reconsider action on House Bill No. 65 was lost.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to and are herewith transmitted to the House for concurrence: Senate Bill No. 26, Senate Joint Resolution No. 5.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to Committees:



Senate Bill No. 26, introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 11712 of the Revised Codes of Montana for 1935, relating to property feloniously taken in one County and brought into another, and apportioning costs of prosecution and trial by the Judge." Referred to Committee on Judiciary.

Senate Joint Resolution No. 5, introduced by Ecton: Expressing assent of the Legislature of the State of Montana to the provisions and purpose of the Bankhead-Jones Act of June 29, 1935 (Public No. 182—74th Congress). Referred to Committee on Federal Relations.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Joint Resolution No. 1 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 86.

Noes: Haight, Holecek, Lippard, Lovell, Miller (Roosevelt), Minette, Monahan, Mungas. Total 8.

Absent and not voting: Daly, Heavlin, Lasby, O'Shea, Peterson (Pondera), Schneider, Stortz, Wood. Total 8.

Substitute Senate Bill No. 4 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Joffray, Johnson, Kelson, Kruse, Lehrkind, Lemmer, Levissee, Lippard, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 85.

Noes: Alvord, Chamberlain, D'Ewart, Hess, Lambert, Leeson, Longenecker, Love. Total 8.

Absent and not voting: Daly, Goodwin, Jackson, Lasby, O'Shea, Peterson (Pondera), Schneider, Stortz, Wood. Total 9.

The Speaker announced the Committee to investigate the Montana Relief Commission as follows: Haight, Masterson, McClain, Metcalf, Eggenberger.

It was moved by Spiegel, duly seconded and carried that the House adjourn until 10:00 o'clock A. M. Wednesday, January 27th, 1937.

JOHN J. JEWELL, Chief Clerk.

H. D. ROLPH,  
Speaker.

## TWENTY-FOURTH DAY

House of Representatives,  
Helena, Montana,  
January 27th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Campbell, Kelson, Peterson (Pondera) and Scott.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-third Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following:

By Cusick: "An Act requiring the lighting of booms, rafts and piling on any navigable lakes or streams and providing penalties for the violation thereof."

By Committee on Corporations other than Municipal, Freshman, Chairman: "An Act authorizing the amendment of articles of Incorporation of any corporation organized under any of the laws of the State of Montana, designating the particulars in which such Articles of Incorporation may be amended; providing the procedure therefor and for the filing of certificates of such proceedings with the proper officers."

By Toomey: "An Act amending Sections 8883, 8885, 8886, 8887, 8889, 8890, 8893, 8894, and 8895 of the Revised Codes of Montana of 1935, defining juries and the qualifications of jurors; making women eligible for jury service; providing for certain exemptions from jury service; and repealing all Acts and parts of Acts in conflict herewith."

By Alvord: A Bill for an Act entitled: "An Act to amend Section 215 of the Revised Codes of Montana of 1935, relating to the duties of the State Examiner in the examination of the accounts of cities, towns and school districts of the first and second class, and providing a fee for such examination."

By McKenna: A Bill for an Act entitled: "To amend Section 1805.32 relating to leasing, assignment and sub-leasing of state lands."

By Stromnes, by request: A Bill for an Act entitled: "An Act relating to the business of painting; providing for the public welfare and health by licensing certain persons engaged in the business of painting; establishing a system of examination for master and contracting painters and for journeymen painters; fixing the fees to be charged for license, and the disposition of the fund thus created; providing for the revocation of licenses and review thereof; and providing penalties for the violation of the provisions of this Act."

By Joffray: A Bill for an Act entitled: "An Act to consolidate the units of the University of Montana at a central point; providing that the State Board of Education may issue bonds in the amount of \$10,000,000 to construct the physical plant of such institution; providing for the submission of the Act to the people for ratification, and providing for a method for selecting the site of such consolidated University of Montana."

By Haight, Holecek and Vanek: A Bill for an Act entitled: "An Act to repeal Sections 976, 977, and 978 of Chapter 84 of the Session Laws of the Twenty-second Legislative Assembly of 1931, relating to the publication of annual financial statements of school districts."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 1, respectfully report as follows: That House Bill No. 1 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, having had under consideration House Joint Resolution No. 2, respectfully report as follows: That House Joint Resolution No. 2 do pass.

BRENNAN, Chairman.

Report adopted.

The Committee on Engrossing reported the following correctly engrossed: House Joint Resolution No. 1 and House Bill No. 11.

HESS, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Brennan, duly seconded and carried, that House Joint Resolution No. 2 be considered properly printed and placed on General Orders.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 108, introduced by Burns, Cusick and Measure: A Bill for an Act entitled: "An Act to amend Section 2634 of the Revised Codes entitled: An Act to promote the development of the Montana egg industry; to prohibit the sale of eggs unfit for human food; to prevent deception in the sale of eggs; and to encourage greater consumption thereof, by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this Act and repealing all Acts and parts of Acts in conflict herewith; be and the same is hereby amended to read as follows:" Referred to the Committee on Dairying.

House Bill No. 109, introduced by Burns and Cusick: A Bill for an Act entitled: "An Act to amend Section 3000 of the Revised Codes of Montana, 1935, relating to the investment of reserve funds in certain securities, the payment of installments and other disposition of reserve funds by the Industrial Accident Board and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Workmen's Compensation.

House Bill No. 110, introduced by Committee on Public Morals: A Bill for an Act entitled: "A Bill for an Act prohibiting premises where beer is sold to be open during certain hours, providing that violations thereof shall be a misdemeanor and fixing the penalty thereof." Referred to the Committee on Public Morals, Charities and Reforms.

House Bill No. 111, introduced by Schneider, Cruickshank, Parker, Masterson, Haight, Peterson (Sheridan), Tyler: A Bill for an Act entitled: "An Act to regulate the nomination and election of Superintendent of Public Instruction and all County Superintendents of Schools of the State of Montana; abolishing certain existing methods in such cases and the use of party or political designations at elections to such offices; imposing certain duties upon the Secretary of State and county officers having charge of election affairs and judges and clerks of election, and adapting the provisions of the laws as they now exist to the non-partisan election of such offices." Referred to the Committee on Privileges and Elections.



House Bill No. 112, introduced by Committee on Corporations other than Municipal: A Bill for an Act entitled: "An Act to amend Section 6651, Revised Codes of Montana, 1935, relating to the requirements of foreign corporations to do business within this state." Referred to the Committee on Corporations other than Municipal.

House Bill No. 113, introduced by Trandum; by request: An Act relating to every agent, firm or corporation acting as an agent, solicitor or representative of a life insurance corporation or association, providing for the issuing of license by the Commissioner of Insurance; defining the qualifications of agent, solicitor, or representative to whom a license has been issued, and providing for the examination of applicants for license by the commissioner, prescribing the fee to be paid by the applicant for a license before taking the examination or engaging in business, providing for the annual license fee, prescribing the duties and powers of the Commissioner of Insurance regarding the issuing, revoking or cancelling of license of any agent, granting right of appeal from the decision of the Commissioner of Insurance, and fixing penalties in connection therewith, and specifically exempting fraternal associations or secret societies who insure lives of their members only, and repealing all Acts in conflict herewith. Referred to the Committee on Insurance.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 11 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haugan, Hamilton, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mungas, Nelson, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Stortz, Toomey, Tyler, Waldrop, Wenger, Whaley, Brennan, Mr. Speaker. Total 77.

Noes: Chatham, Daly, Freshman, Goodwin, Haight, Hardcastle, Holecek, Lovell, Miles, Mitchell, Mulholland, O'Connor, Padbury, Scofield, Smith, Stimatz, Stromnes, Trandum, Vanek, Wood. Total 20.

Absent and not voting: Campbell, Kelson, O'Shea, Peterson (Pondera), Scott. Total 5.

House Joint Resolution No. 1 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: Anderson (Lincoln), Chatham, Lovell, Miles, Padbury. Total 5.

Absent and not voting: Campbell, Joffray, Kelson, O'Shea, Peterson (Pondera), Scott. Total 6.



## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 13 do pass.

METLEN, Chairman.

Report adopted.

The Speaker announced the following committee to investigate the Montana Extension Service, their administration and activities: Cusick, Metcalf, Hess, Chamberlain and Lasby.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduced the following:

By Stortz and Masterson: "An Act to amend Section 3906, Revised Codes of Montana of 1935, by striking out that portion of the third paragraph of said Section providing that all rates fixed by the Commission shall remain in full force and effect until final determination by courts having jurisdiction, and substituting, for the stricken matter, a provision authorizing the issuance of a restraining order, and providing for the impounding or ear-marking of the difference between the old and new rates, as designated by the Public Service Commission, pending final determination of the cause."

By Smith: A Bill for an Act entitled: "An Act to amend Section 10072 of the Revised Codes of Montana of 1935 relating to who are incompetent to act as administrators."

By Smith: A Bill for an Act entitled: "An Act to amend Section 10057 of the Revised Codes of Montana of 1935 relating to who are incompetent to act as executors or administrators."

By Committee on Townships and Counties: A Bill for an Act entitled: "An Act relating to contracts for public printing, fixing the prices therefor, and providing for a penalty for violation of the provisions of this Act, and repealing Section 4482, Revised Codes of Montana, 1935."

By Mitchell, Stortz, Joffray, Freshman, Mulholland, Finnegan, Alvord and McLeod. A Bill for an Act entitled: "An Act to amend Section 3043.1 of the Revised Codes of Montana, 1935, relating to preference of Montana labor in public works—wage scale—not in conflict with federal statutes."

By Brennan: A Bill for an Act entitled: "An Act requiring the State of Montana and each subdivision thereof to insure all buildings and personal property owned by the state or the subdivisions thereof against fire hazard and permitting the insurance of said property against other hazards and exempting counties and school districts where insurable value is less than five thousand dollars: Requiring cities and towns which insure property to purchase insurance under the provisions of the Act: Providing for giving of notice and calling for sealed proposals: Providing for the prep-

aration of specifications and the information to be enumerated therein: Providing for the length of time contracts of insurance shall be let and the method of replacing existing insurance policies: Providing the effective date of the Act and prohibiting the renewal, alteration or extension of existing policies for a period of two months prior to the date thereof: Providing penalties for the violation of the Act and repealing all Acts and parts of Acts in conflict herewith."

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Bills Nos. 7 and 64 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 12, respectfully report as follows: That Senate Bill No. 12 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 97, respectfully report as follows: That House Bill No. 97 do pass.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 89, respectfully report as follows: That House Bill No. 89 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Public Health and Sanitary Affairs, having had under consideration House Bill No. 20, respectfully report as follows: That House Bill No. 20 be amended as follows:

By adding in Section 1, part "c" of Line 27, the letter "s" to the word "accommodation".

By spelling the word "affective" "effective" in Line 9, Page 2, Section 3.

By amending Line 22, Section 8, by changing the word "licenses" to "licensee".

By adding in Line 19, Section 7, the word "and/or" after the word "rules".

By changing the word "licenses" in Line 1, Page 5, to "licensee".

By inserting the word "mailing" in lieu of the word "maintaining", in Line 8, Page 5.

By changing the word "wherever" in Line 10, to "whenever" on Page 5.

In Line 20, Section 10, by striking out the words "for the initial and periodic examinations by the Board or other competent medical authority, of all employees engaged in the handling of "foods" and shall also include provision".

By substituting the word "hereinunder" in lieu of "hereinafter" in Line 31, Page 5.

By substituting the word "end" in lieu of the word "and" in Line 32 on Page 6.

By striking out in Section 15, Page 7, Line 16, the words "an Emergency is hereby declared to exist and", and starting the Section with the word "This".

And as amended do pass.

IJAMS, Chairman.

Mr. Speaker: We, a Minority of your Committee on Public Health and Sanitary Affairs, having had under consideration House Bill No. 20, respectfully report as follows: That House Bill No. 20 do not pass. Signed by Vanek, Love, Hamilton and Minette.

It was moved by Ijams, duly seconded, that the Majority report be adopted.

On substitute motion, it was moved by Minette, duly seconded, that the Minority report be adopted. The Motion was lost.

Whereupon, motion by Ijams, that the Majority report be adopted, carried.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 58, respectfully report as follows: That House Bill No. 58 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 87, respectfully report as follows: That House Bill No. 87 do not pass.

STROMNES, Chairman.

Report adopted.

The Committee on Engrossing reported House Bill No. 13 correctly engrossed.

HESS, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bill was this day read third time and concurred in, title agreed to, and Bill is herewith returned to the House: House Bill No. 3, by Padbury, Toomey and Smith.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Substitute Senate Bill No. 4, by Committee on Judiciary, was this day, on motion, ordered returned to the House for correction in the House history, and Bill is herewith returned.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

On motion by Spiegel, duly seconded and carried, the Clerk was instructed to make the correction mentioned in the above message.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 114, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Section 5221 of the Revised Codes of Montana of 1935 relating to the powers of City or Town clerk and the City or Town Treasurer in collecting an annual road poll tax." Referred to the Committee on Affairs of Cities.

House Bill No. 115, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Section 5039.61 of the Revised Codes of Montana of 1935 relating to the powers of City or Town Councils to transfer or lease municipal property." Referred to the Committee on Affairs of Cities.

House Bill No. 116, introduced by Sorte, Alvord and Masterson: A Bill for an Act entitled: "An Act declaring certain lands forming part of the abandoned river bed of any navigable streams or lakes in this state and certain islands in such streams or lakes property of the State of Montana to be held in trust for the benefit of the public schools of the state; providing for the leasing and sale of such lands and the disposition of proceeds therefrom; providing for the survey of such lands; approving and confirming any action heretofore taken concerning the lease and sale of such lands and disposing of the proceeds thereof and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on State Lands.

House Bill No. 117, introduced by Lemmer: A Bill for an Act entitled: "An Act relating to the acquisition by the United States of lands and waters within the State of Montana for the purpose of creating, developing and maintaining refuges for migratory waterfowl." Referred to the Committee on Fish and Game.

House Bill No. 118, introduced by Anderson (Chouteau) and Lippard, by request: A Bill for an Act entitled: "An Act amending Section 10726 of the Revised Codes of Montana of 1935, relating to the act and intent or negligence, with which a crime is committed." Referred to the Committee on Judiciary.

House Bill No. 119, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Section 5194 of the Revised Codes of Montana for 1935 relating to the limitation on amount of tax to be levied by cities and towns for municipal purposes and to the amount of tax that may be assessed and levied by cities and towns for the purpose of maintaining public parks in additoin to the levy for general municipal or administrative purposes." Referred to the Committee on Affairs of Cities.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Padbury in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 44 do pass.

That House Bill No. 63 do pass.

That House Bill No. 74 do pass.

That House Bill No. 81 be amended as follows: Amend the title by striking out all of the title after the words "fund" in Line 5 in the printed bill, and by inserting a period in place of the comma after the word "fund"; amend by striking out the first ten lines as numbered in the printed bill; and that the same do pass as amended.

That House Joint Resolution No. 2 do pass.

Report adopted.

PADBURY, Chairman.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 13 be placed on Third Reading.



It was moved by Haight, duly seconded, that the printer be requested to italicize in the index of Bills in the Journal, all pages upon which roll calls appear and that the name of the author, of the first name appearing on the Bill, if there be more than one, appear in said bill index. Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by O'Connor, duly seconded, that Rule 24 be amended as follows: By adding a subsection to be known as Subsection 7, "Whenever a motion to reconsider shall be laid on the table it shall require a two-thirds majority to take from the table."

### THIRD READING

A call of the House was demanded by the required number. On motion of Spiegel, duly seconded and carried, Call of the House was dispensed with.

House Bill No. 13, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 83.

Noes: D'Ewart, Hamilton, Haugan, Metlen, Miller (Big Horn), Minette, Mungas, Padbury, Scofield, Shanley, Toomey, Wood. Total 12.

Absent and not voting: Campbell, Kelson, Measure, O'Shea, Peterson (Pondera), Scott. Total 6.

The following passed their vote: Conner. Total 1.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Thursday morning, January 28th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### TWENTY-FIFTH DAY

House of Representatives,  
Helena, Montana  
January 28th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Kelson, O'Shea, Peterson (Pondera), and Scott.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-fourth Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following:

By Committee on Townships and Counties, Anderson of Chouteau, Chairman: A Bill for an Act entitled: "An Act relating to contracts for public printing, fixing the prices therefor, and providing for a penalty for violation of the Provisions of this Act; and repealing Section 4482 Revised Codes of Montana, 1935."

By Committee on Public Utilities and State Commission, by request: A Bill for an Act entitled: "An Act providing that every corporation, both public and private, Company Individual, Association of Individuals, and Lessees, Trustees or Receivers appointed by any Court whatsoever, that now or hereafter may own, operate or control any natural gas pipe line or natural gas pipe lines or any part of a natural gas pipe line or natural gas pipe lines within the State, for the delivery or furnishing of natural gas to a public Utility or public Utilities in the State who in turn either directly or indirectly, mediately or immediately delivers or furnishes such natural gas to or for the public or some portion thereof, is hereby declared to be a public utility and to be subject to the jurisdiction control and regulations of the public Service Commission of this State and the provisions of this Act and the provisions of Sections 3879-3913, Revised Codes of Montana, 1935, inclusive, and all other Laws of this State relating to and giving the said public Service Commission Jurisdiction, control and regulation of public Utilities."

By Daly, Heavlin, by request: A Bill for an Act entitled: "An Act to regulate and license the manufacture and sale at retail of any and all alcoholic liquors or beverages in the State of Montana; providing for a license tax to be paid by retail vendors other than the State of Montana, both as respects licenses issued by the State as well as by cities within the State; providing for the apportionment and distribution of license fees, fines and penalties collected under the provisions of this Act; providing for local option in Counties of the State and the holding of elections with respect thereto; and declaring the policy of the law in the sale of alcoholic beverages."

By Padbury, Smith, Toomey: A Bill for an Act entitled: "An Act to extend the open season for hunting elk in certain designated portions of Lewis and Clark County, and repealing all Acts and Parts of Acts in conflict herewith."

By Haugan: A Bill for an Act entitled: "An Act requiring Hunters of big game animals to wear distinguishing marks; providing that violations shall be deemed misdemeanors and fixing the penalty therefor."

By Schneider, Parker, Peterson of Sheridan, Tyler: A Bill for an Act entitled: "An Act providing uniform transportation services for all public school pupils residing three or more miles from an open public school; defining "Transportation" for the purpose of this Act so as to include services furnished in lieu of transportation; providing that School Boards may operate buses and contract for "Transportation" of pupils; providing that school Boards may close schools and transport pupils to another school and providing that School Boards shall pay for its pupils attending school in another District; providing that no school money shall be expended for "Transportation" except to persons or firms holding legal contracts for the same; providing requirements as to buses, drivers, and the operation of buses; fixing a schedule for individual "Transportation" providing that any child attending other than a public school may ride on a public school bus; designating who is eligible to receive "Transportation" from school Districts; providing for the measurement of transportation distances in dispute and the settlement of transportation matters in controversy; appropriating from the Public School general fund a sum not to exceed \$12,500 annually to furnish a program of correspondence

and home study so as to relieve Districts of the necessity of furnishing transportation where the furnishing of such is impractical, and amending Section 1200.1 of the Revised Codes of Montana, for 1935, so as to provide for such appropriation; amending Section 1200.9 of the Revised Codes of Montana for 1935, relating to the apportioning of moneys in the public School general fund so as to provide funds for such program; and repealing Section 1010 of the Revised Codes of Montana for 1935."

By Goodwin: A Bill for an Act entitled: "An Act permitting any motor Carrier authorized by the Board of Railroad Commissioners of the State of Montana to transport persons and/or property for hire over any public highway in the State of Montana, aggrieved by the cancellation and/or refusal of issuance of motor vehicle liability insurance policy or bond by any insurance or surety Company authorized to do business within the State of Montana, to file complaint with the Commissioner of insurance of the State of Montana; authorizing the Commissioner of insurance after notice to the Parties and public hearing held to make appropriate finding or findings and enter an order thereon; providing for an appeal to the District Court from the decision of the Commissioner of insurance and for an appeal to the Supreme Court of the State of Montana from any decree of the District Court or a Judge thereof and authorizing the Commissioner of insurance to revoke or suspend the license of any Company failing to comply with his said order or decree of Court entered upon appeal from his said order."

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported House Joint Resolution No. 2 correctly engrossed.

HESS, Chairman.

Report adopted.

The Committee on Printing, reported House Bills Nos. 26, 51, 75, 78, 84, 93 and House Resolution No. 2 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 71, respectfully report as follows: That House Bill No. 71 do not pass.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 82, respectfully report as follows: That House Bill No. 82 do pass.

PETERSON of Sheridan, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 35, respectfully report as follows: That House Bill No. 35 do not pass.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Rules, having had under consideration a Motion entitled: "Moved that Rule 24 be amended by adding a subsection which shall be known as Subsection 7, "Whenever a motion to reconsider shall be laid on the table it shall require a two-thirds majority to take from the table." respectfully report as follows: That amendment to Rule 24 be adopted.

SPIEGEL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Rules, having had under consideration a Motion entitled: "Moved that the printer be requested to italicize in the index of bills in the Journal all pages upon which roll calls appear and that the name of the author or the first name appearing on the bill, if there be more than one, appear in said bill index." respectfully report as follows: That amendment to Rules be adopted.

SPIEGEL, Chairman.

Report adopted.

### INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to Committees:

House Bill No. 120, introduced by Alvord: A Bill for an Act entitled: "An Act to amend Section 215 of the Revised Codes of Montana of 1935, relating to the duties of the State Examiner in the examination of the accounts of Cities, Towns and School Districts of the First and Second Class, and providing a fee for such examination." Referred to Committee on Education.

House Bill No. 121, introduced by McKenna: A Bill for an Act entitled: "An Act to amend Section 1805.32 of the Revised Codes of Montana of 1935, relating to leasing, assignment, and sub-leasing of State Lands." Referred to Committee on State Lands.

House Bill No. 122, introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 10057 of the Revised Codes of Montana of 1935, relating to who are incompetent as executors or administrators." Referred to Committee on Judiciary.

House Bill No. 123, introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 10072 of the Revised Codes of Montana of 1935, relating to who are incompetent to act as administrators." Referred to Committee on Judiciary.

House Bill No. 124, introduced by Committee on Corporations other than Municipal: A Bill for an Act entitled: "An Act authorizing the amendment of Articles of Incorporation of any Corporation organized under any of the Laws of the State of Montana, designating the particulars in which such articles of Incorporation may be amended; providing the procedure therefor and for the filing of certificates of such proceedings with the proper Officers." Referred to Committee on Corporations other than Municipal.

House Bill No. 125, introduced by Haight, Holecek, Vanek: A Bill for an Act entitled: "An Act to repeal Sections 976, 977 and 978 of Chapter 84 of the Session Laws of the Twenty-Second Legislative Assembly of 1931, relating to the publication of annual financial statements of School Districts." Referred to Committee on Townships and Counties.

House Bill No. 126, introduced by Wood: A Bill for an Act entitled: "An Act to amend Section 191.2 of Chapter 20, Revised Codes of Montana, 1935, relating to the apportionment of funds received from the Federal Government under provision of the Taylor Grazing Act, and expenditure thereof." Referred to Committee on State Boards and Offices.

House Bill No. 127, introduced by Stortz and Masterson: A Bill for an Act entitled: "An Act to amend Section 3906 Revised Codes of Montana of 1935, by striking out that portion of the third paragraph of said Section providing that all rates fixed by the Commission shall remain in full force and effect until final determination by Courts having jurisdiction, and substituting, for the stricken matter, a provision authorizing the issuance of a restraining order, and providing for the impounding or ear-marking of the difference between the old and new rates, as designated by the Public Service Commission, pending final determination of the Cause." Referred to Committee on Public Utilities.



## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Joint Resolution No. 2 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Lehrkind, Lemmer, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Green, Haugan, Johnson, Leeson, Levissee, Lippard, Longenecker, Miller (Big Horn), Mungas, O'Connor, Padbury. Total 11.

Absent and not voting: Conner, Haight, Kelson, Love, Lovell, O'Shea, Peterson (Pondera), Scott, Toomey. Total 9.

## MOTIONS AND RESOLUTIONS

It was moved by Manning, duly seconded and carried, that House Bill No. 100 be taken from the Committee on Appropriations and referred to the Committee on Livestock and Public Ranges.

It was moved by Manning, duly seconded and carried, that House Bill No. 94 be taken from the Committee on Appropriations and referred to the Committee on Social Security.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to provide the several Justices of the Peace with the necessary books, blanks, office quarters and supplies as shall be deemed necessary by the Board of County Commissioners."

By Metcalf, Alvord, Measure, McClain, Levissee, Hoiness: A Bill for an Act entitled: "An Act providing for the creation and establishment of an Association to be known as the State Bar of Montana, to provide for its organization, membership and powers, and repealing Sections 8945, 8946 and 8947 Revised Codes of Montana of 1935."

By McLeod: A Bill for an Act entitled: "An Act to repeal Sections 5219, 5220 and 5221 and 5222 of the Revised Codes of Montana, 1935, relating to levy and collection of road poll-tax in Cities and Towns."

By Longenecker, by request: A Bill for an Act entitled: "An Act to amend Section 2153 of the Revised Codes of Montana, 1935, relating to the lien on personal property taxes and defined priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 55, respectfully report as follows: That House Bill No. 55 be amended as follows:

By striking out on Page 2, Lines 28 and 29, the words "may appoint other persons but not to exceed two (2)," and insert in lieu thereof "one person".

By striking out on Page 2, Line 30, the word "each".

By inserting after the word "Court", in Line 8, Page 4, the words "issued because of violation of this Act or issued for the enforcement of this provision of this Act." and as amended do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 98, respectfully report as follows: That House Bill No. 98 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 114, respectfully report as follows: That House Bill No. 114 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 115, respectfully report as follows: That House Bill No. 115 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 119, respectfully report as follows: That House Bill No. 119 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 72, respectfully report as follows: That House Bill No. 72 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Utilities and State Commissions, having had under consideration, House Bill No. 127 respectfully report as follows: That House Bill No. 127 do pass.

MONAHAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 22, respectfully report as follows: That House Bill No. 22 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 70, respectfully report as follows: That House Bill No. 70 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 123, respectfully report as follows: That House Bill No. 123 be amended as follows:

Section 1, Line 11, by striking out "partnership" and the comma immediately thereafter.

Section 2, Line 13, by striking out "partnership" and the comma immediately thereafter.

Section 2, Line 15, by striking out "partnership" and the comma immediately thereafter, and as amended do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 122, respectfully report as follows: That House Bill No. 122 be amended as follows:

Section 1, Line 11, by striking out "partnership" and the comma immediately thereafter.

Section 2, Line 13, by striking out "partnership" and the comma immediately thereafter.

Section 2, Line 15, by striking out "partnership" and the comma immediately thereafter; and as amended do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 118 respectfully report as follows: That House Bill No. 118 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Joint Memorial No. 4 respectfully report as follows: That House Joint Memorial No. 4 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 121, respectfully report as follows: That House Bill No. 121 do pass.

MILLER of Big Horn, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 79 respectfully report as follows: That House Bill No. 79 do pass.

METLEN, Chairman.

Report adopted.

The Committee on Engrossing reported the following correctly engrossed: House Bill Nos. 63, 44, 81 and 74.

HESS, Chairman.

Report adopted.

The Committee on Printing reported the following correctly printed: House Bill Nos. 1, 83 and Substitute House Bill No. 14.

MACKIE, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that the House reconsider its action in adopting the report of the Committee on Judiciary on House Bill No. 22.

It was moved by Stromnes, duly seconded and carried, that House Bill No. 22 be re-referred to the Committee on Judiciary.

It was moved by Brayman, duly seconded and carried, that House Bill No. 10 be taken from the Committee on Printing and referred to the Committee on Judiciary.

The Speaker signed the following in open Session: Senate Joint Memorial No. 2.

### INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to Committees:

House Bill No. 128, introduced by Toomey: A Bill for an Act entitled: "An Act amending Sections 8883, 8885, 8886, 8887, 8889, 8890, 8893, 8894 and 8895 of the Revised Codes of Montana of 1935 defining Juries and the qualifications of Jurors; making women eligible for Jury service; providing for certain exemptions for Jury service; and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Judiciary.

House Bill No. 129, introduced by Cusick and Burns: A Bill for an Act entitled: "An Act requiring the lighting of booms, rafts, and piling on any navigable lakes or streams and providing penalties for the violation thereof." Referred to Committee on Public Safety.

House Bill No. 130, introduced by Mitchell: A Bill for an Act entitled: "An Act to amend Section 3043.1 of the Revised Codes of Montana, 1935, relating to preference of Montana Labor in public works—wage scale—not in conflict with Federal Statutes." Referred to Committee on Labor.

House Bill No. 131, introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to repeal Section 2090.1 of the Revised Codes of Montana of 1935, relating to the assessment of royalty in kind." Referred to Committee on Revenue and Taxation.

House Bill No. 132, introduced by Brennan: A Bill for an Act entitled: "An Act requiring the State of Montana and each subdivision thereof to insure all buildings and personal property owned by the State or subdivision thereof against fire hazard and permitting the insurance of said property against other hazards and exempting Counties and School Districts where insurable value is less than five thousand dollars; requiring Cities and Towns which insure property to purchase insurance under the provisions of the Act; providing for giving of notice and calling for sealed proposals; providing for the preparation or specifications and the information to be enumerated therein; providing for the length of time contracts of insurance shall be let and the method of replacing existing insurance policies; providing the effective date of the Act and prohibiting the renewal, alteration or extension of existing policies for a period of two months prior to the date thereof; providing penalties for the violation of the Act and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Insurance.

House Bill No. 133, introduced by Stromnes, by request: A Bill for an Act entitled: "An Act relating to the business of painting; providing for the public welfare and health by licensing certain persons engaged in the business of painting; establishing a system of examination for Master and Contracting Painters and for Journeyman Painters; fixing the fees to be charged for license, and the disposition of the fund thus created; providing for the revocation of licenses and review thereof; and providing penalties for the violation of the provision of this Act." Referred to Committee on Labor.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:



House Bill No. 63 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Holecek, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levisse, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: Bjerneby, Crouse, Green, Haight, Hedden, Jackson, Lehrkind, Lippard, Longenecker, Love, Lovell, Measure, Miller (Big Horn), Minette, O'Connor, Padbury, Toomey. Total 17.

Absent and not voting: Kelson, O'Shea, Peterson (Pondera), Scott. Total 4.

Passed their vote: Acher.

House Bill No. 44 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 98.

Noes: None.

Absent and not voting: Kelson, O'Shea, Peterson (Pondera), Scott. Total 4.

House Bill No. 81 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Freshman, Mr. Speaker. Total 96.

Noes: Lovell, Toomey. Total 2.

Absent and not voting: Kelson, O'Shea, Peterson (Pondera), Scott. Total 4.

House Bill No. 74 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hangan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lipard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Manning, Mr. Speaker. Total 94.

Noes: D'Ewart, Haight, Lovell, Metcalf. Total 4.

Absent and not voting: Kelson, O'Shea, Peterson (Pondera), Scott. Total 4.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Hedden in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 7 be amended as follows:

Amend the title by striking out in the printed bill in line 1, after the word "Entitled", the remainder of line 1, and all of lines 2, 3, 4, 5, and line 6 up to and including the word "Montana" and inserting in lieu thereof the words "An Act to amend Section 1760 of the Revised Codes of Montana of 1935"; Amend Section 1 by striking out in line 1 of the printed bill, all of the words beginning with "Section" to and including the word "Assembly" in line 2 and inserting in lieu thereof the words "Section 1760 of the Revised Codes of Montana of 1935"; Amend Section 3 of the printed bill by striking out the words in line 1 as follows: "Section 3, of Chapter 158, Session Laws of 1931, and" and capitalize the word "All", and as amended do pass.

That House Bill No. 64 do pass.

HEDDEN, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M. Friday morning, January 29th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### TWENTY-SIXTH DAY

House of Representatives,  
Helena, Montana,  
January 29th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members were present except the following who were excused: Lovell, Manning, O'Shea and Peterson (Pondera).

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-fifth Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Hedden, by request: "An Act to amend Section 1005 of the Revised Codes of Montana of 1935, relating to the organization of boards of school trustees and the appointment of a clerk, who may be designated as business manager of the district in districts of the first and second class."

By Mitchell, Daly, Brayman, Heavlin, Finnegan, Padbury, Hoiness, Spiegel, Stromnes, Campbell, Smith: A Bill for an Act entitled: "An Act relating to hours of work of members of paid fire departments of cities of the first class, providing a minimum compensation for members of paid fire departments of cities of the first class, providing penalties for a violation thereof, and repealing all Acts or parts of Acts in conflict therewith."

By Committee on Education: A Bill for an Act entitled: "An Act to amend Section 1224.6 of the Revised Codes of Montana of 1935, relating to the powers of the Trustees of School Districts to issue refunding bonds."

By Manning: "An Act to appropriate money for the operation, maintenance and other purposes, as designated herein, for certain of the state's institutions, for the period beginning July 1, 1937, and ending June 30, 1938."

By Metlen: A Bill for an Act entitled: "An Act amending the Laws of Montana relating to State Lands, providing for the prospecting for and mining of metalliferous minerals and gems in lands owned by the state or reserved in lands sold or leased by the state: Empowering the State Board of Land Commissioners to issue prospecting permits and leases for such purposes, and defining the powers of said board with respect to lands containing or supposed to contain such metalliferous minerals and gems, and repealing Sections 1805.48, 1805.49, 1805.50 and 1805.51 of the Revised Codes of Montana of 1935, subject to the rights of permittees and lessees under permits and leases in good standing at the time of the passage of this Act, and repealing all other Acts and parts of Acts in conflict with this Act."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 69, respectfully report as follows: That House Bill No. 69 be amended as follows:

By inserting in Section 1, line 27, page 3, after the word "immediately" the words "and" before moving the carcass."

Amend Section 1 by adding a new paragraph at the end thereof as follows:

The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be transferred on or before January first of each year from the Fish and Game Fund to the Bounty Fund of the State to be used to pay bounties on predatory animals as provided by law; said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on livestock now provided by law providing a fund of Fifteen Thousand Dollars (\$15,000.00). At the close of any bounty paying season of any year, fifty per centum (50%) of an unexpended balance shall be re-transferred to the State Fish and Game

Fund. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from its Bounty Fund any part thereof in excess of Fifteen Thousand Dollars (\$15,000.00), which may be necessary for the purpose of paying bounties. And as amended do pass.  
LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 11, respectfully report as follows: That Senate Bill No. 11 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 5, respectfully report as follows: That Senate Joint Resolution No. 5 be concurred in.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 125, respectfully report as follows: That House Bill No. 125 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 95, respectfully report as follows: That House Bill No. 95 do not pass but that Substitute House Bill No. 95 entitled: A Bill for an Act entitled: "An Act to amend Section 3696, of the Revised Codes of Montana, 1935, and repealing Section 3696.4 of the Revised Codes of Montana, 1935, relating to the opening and closing of the hunting season on certain areas in Park County." Do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration House Bill No. 100, respectfully report as follows: That House Bill No. 100 be amended as follows:

By inserting at the end of Section 26 the following: Provided, that, when the fees received by the Commission, as provided in this Act, shall exceed the needs of the Commission, such surplus funds, as disclosed by a budget submitted to and approved by the proper authority, shall revert to the General Fund of the State of Montana until such General Fund shall have been reimbursed to the amount appropriated to the State Grazing Fund. And as amended do pass.

SHERMAN, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 89, 97.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 56, respectfully report as follows: That House Bill No. 56 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Substitute House Bill No. 47, respectfully report as follows: That Substitute House Bill No. 47 do pass.

BJORNEBY, Chairman.

Report adopted.



## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 20, 28 and 36.

The following House Bills were this day read third time and concurred in, title agreed to, and bills are herewith returned to the House: House Joint Memorial No. 3 and House Bill No. 33.

The following House Joint Resolution was this day read third time and not concurred in, and Resolution is herewith returned to the House: House Joint Resolution No. 2.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 20, introduced by Anderson: A Bill for an Act entitled: "An Act to amend Sections 1301.1 and 1301.2 of the Revised Codes of the State of Montana, 1935, relating to emergency relief by the creation of High School Districts, and authorizing the Board of Trustees of said High School Districts to borrow money and to enter into contracts and arrangements for the repair, improvement, equipment, and construction of buildings and public works, providing for elections and procedure to be followed by High School Districts." Referred to the Committee on Education.

Senate Bill No. 36, introduced by the Committee on Employment: A Bill for an Act entitled: "An Act to amend Sections 62 and 76, Revised Codes of Montana, 1935, and Chapter 6 of the Acts of the Twenty-fourth Legislative Assembly of Montana, 1935, relating to the number, designation, election, appointment and compensation of officers and employees of the Legislative Assembly and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Employment.

Senate Bill No. 38, introduced by the Committee on Taxation: A Bill for an Act entitled: "An Act amending Section 2296 of the Revised Codes of Montana, 1935, relating to corporation license tax and defining what organizations are exempt therefrom." Referred to the Committee on Judiciary.

House Bill No. 134, introduced by Longenecker: A Bill for an Act entitled: "An Act to amend Section 2153 of the Revised Codes of Montana of 1935, relating to the lien on personal property taxes and defined priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof." Referred to the Committee on Revenue and Taxation.

House Bill No. 135, introduced by McLeod: A Bill for an Act entitled: "An Act to repeal Sections 5219, 5220, 5221, and 5222 of the Revised Codes of Montana, 1935, relating to levy and collection of road poll-tax in cities and towns." Referred to the Committee on Affairs of Cities.

House Bill No. 136, introduced by Padbury, Smith and Toomey, by request: A Bill for an Act entitled: "An Act to extend the open season for hunting elk in certain designated portions of Lewis and Clark, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Fish and Game.

House Bill No. 137, introduced by Committee on Public Utilities: A Bill for an Act entitled: "An Act providing that every corporation, both public and private, company, individual, association of individuals, and lessees, trustees or receivers appointed by any court whatsoever, that now or hereafter may own, operate or control any natural gas pipe line or natural gas pipe lines or any part of a natural gas pipe line or natural gas pipe lines within the State, for the delivery or furnishing of natural gas to a public utility or public utilities in the State who in turn either directly or indirectly, mediately or immediately delivers or furnishes such natural gas to or for the public or some portion thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulations of the Public Service Commission of this State and the provisions of this Act and the provisions of Sections 3879-3913, Revised Codes of Montana, 1935, inclusive, and all other laws of this State relating to and giving the said Public Service Commission jurisdiction, control and regulation of public utilities." Referred to the Committee on Public Utilities.

House Bill No. 138, introduced by Alvord, Measure, McClain, Levissee, Hoiness, Lehrkind, Longenecker: A Bill for an Act entitled: "An Act providing for the creation and establishment of an association to be known as "The State Bar of Montana," to provide for its organization, membership and powers, and repealing Sections 8945, 8946 and 8947, Revised Codes of Montana of 1935." Referred to the Committee on Judiciary.

### MOTIONS AND RESOLUTIONS

It was moved by Ruffcorn, duly seconded and carried, that House Bill No. 26 be passed for the day.

It was moved by Cusick, duly seconded and carried, that House Bill No. 75 be passed for the day.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 51 be amended as follows: Amend by striking out all of Sections 2 and 3 and inserting in lieu thereof the following:

Section 2. This Act shall take effect and be in force on and after the 31st day of December, 1938, provided the same shall be ratified by a majority vote of the people of the State of Montana.

Section 3. There shall be a referendum upon this Act and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1 of the Constitution, to the people of the State for their approval or rejection, at the biennial regular general election to be held in November, 1938.

Section 4. This Act shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot as provided by Article V, Section 1 of the Constitution and as provided by law, and shall be voted on at the general election to be held in November, 1938, and the principal ballot to be used at said election shall have printed thereon the words in capital letters as follows:

FOR FURNISHING FREE TEXT BOOKS TO PRIVATE SCHOOLS  
AGAINST FURNISHING FREE TEXT BOOKS TO PRIVATE  
SCHOOLS

Section 5. If a majority of the votes at said election shall be in favor of this Act, Section 1 thereof shall not be in effect until the 31st day of December, 1938.

And as amended do pass.

That House Bill No. 84 be amended as follows: Amend Section 1 by striking out in line 11 of the printed bill, the figures "1933" and inserting in lieu thereof the figures "1936", and adding thereafter the following "in an amount not greater than the outstanding warrant indebtedness of the first day of July 1933", also strike out in line 14 the figures "1933" and inserting in lieu thereof the figures "1936"; and as amended do pass.

That House Resolution No. 2 do pass.

That House Bill No. 78 do pass.

It was moved by Kruse, duly seconded, that the Committee of the Whole report be adopted.

On substitute motion, it was moved by Stromnes, duly seconded, that House Bill No. 51 be segregated from the report of the Committee of the Whole.

A roll call was demanded by the required number and action was carried by the following vote: Ayes: 49, Noes: 47, Absent: 7.

The Committee on Enrolling reported House Bill No. 3 correctly enrolled.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 3, introduced by me and find the same to be correct.

PADBURY.

The Speaker signed in open session the following: Senate Joint Resolution No. 4, Senate Joint Resolution No. 1, Senate Bill No. 9 and House Bill No. 3.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Anderson (Phillips). Masterson and Hamilton: A Bill for an Act entitled: "An Act to establish a central personnel agency to regulate the civil service of the state, including the executive, legislative and judicial branches and to establish the merit system in the employment of Personnel in all departments."

By Haugan, Scofield, Miles: "A Bill for an Act to add a new Subsection to Section 884 of the Revised Codes of Montana of 1935 numbered as subsection 12 and relating to the duties of the Montana State Bureau of Mines and Geology."

By Ijams: "An Act to amend Section 1760 of the Revised Codes of Montana of 1935 relating to registration fees, disposal of proceeds, fee

for half year, dealers' registration and transfer thereof, and public owned vehicles exempt from fee."

By Mulholland, McLeod, Finnegan, Burns, Joffray and Spiegel: "An Act regulating and fixing the hours of labor in the following mentioned industries, occupations, undertakings and employments, underground mining, including railroad or other tunnels; strip mining; placer mining; smelters; stamp mills; sampling works; concentrators, and all other institutions for the reduction and refining of ores or metals; cement plants; hydro-electric plants; regularly organized fire departments; hoisting and all stationary engineering; quarries; retail stores, including drug, confectionery and cigar stores; wholesale warehouses; bakeries; restaurants; hotels and cafes; public garages; automobile service stations; chauffeuring and taxi-cab driving and operating for hire; teaming for hire; bus, truck and motor freight driving and operating and all occupations for transportation of persons or property by motor vehicles for hire; sugar refining; passenger and freight elevator operating; laundries; all forms of manufacturing and repairing; canning and packing fruits; vegetables and meat, and all other products for human or animal consumption; carpentry; plumbing; masonry; brick laying, and all other building trades occupations and employments; cement work of all kinds; electrical work of all kinds and character; creameries; cheese factories; flour and grain milling; book-binding; oil, gas and petroleum industries; street electric railway operation and employments incident thereto; theatre employments and occupations of every description; milling and lumbering; all occupations and employments in and about telephone, telegraph and radio stations and plants; railroad coal docks; bartending; nursing; janitor service in and about public, private and governmental buildings; offices and plants; all occupations and employments, except physicians and surgeons, in and about public and private institutions for the insane and penal or detention institutions; all occupations and employments in and about public works and undertakings carried on or aided by the state or any subdivision thereof and municipalities; providing for an exception in cases of emergency where life and property are in imminent danger; excepting the owner of the business from the provisions hereof; defining the term "day"; providing for a penalty for the violation of this Act; and repealing all Acts and parts of Acts in conflict herewith."

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bill correctly engrossed: House Bill No. 78.

HESS, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 20 and 58 and House Joint Resolution No. 2.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Judiciary, having had under consideration House Bill No. 128, respectfully report as follows: That House Bill No. 128 do not pass. Signed by Lasby, Smith, O'Connor, Measure, Bjerneby, Stromnes.

Mr. Speaker: We, a Minority of your Committee on Judiciary, having had under consideration House Bill No. 128, respectfully report as follows: That House Bill No. 128 do pass. Signed by Hoiness, Ruffcorn, Alvord and Metcalf.

It was moved by O'Connor, duly seconded, that the Majority report be adopted.

On substitute motion, it was moved by Metcalf, duly seconded and carried, that the Minority report be adopted.



Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 116, respectfully report as follows: That House Bill No. 116 be amended as follows:

On line five (5) of page two (2), after the word "situated" insert: "provided, however, that if there is no county surveyor of the county wherein the lands are situated, or if the county surveyor is unable to make such survey or if the best interests of the State so require, the State Board of Land Commissioners shall appoint a qualified surveyor to make such surveys."

On line six (6) of page two (2) after the word "Surveyor" insert: "or other surveyor appointed by the State Board of Land Commissioners"

On line fifteen (15) of page two (2) after the word "Surveyor" insert: "or other surveyor appointed by the State Board of Land Commissioners" And as amended do pass.

MILLER (Big Horn), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 109, respectfully report as follows: That House Bill No. 109 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 108, respectfully report as follows: That House Bill No. 108 be amended as follows: By striking out in lines 20, 21 and 23, the word "preserved" and inserting in lieu thereof the word "protected", and as so amended the Bill do pass.

PETERSON (Sheridan), Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 28, respectfully report as follows: That Senate Bill No. 28 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 1, respectfully report as follows: That Senate Bill No. 1 be amended as follows:

By striking figures "1938" Line 7 of Title and inserting in lieu thereof figures "1937."

At line 10, page 1, after the words "and after the", add the words "passage and approval of this Act," striking the words "twentieth day of May, 1937,".

At line 19, page 11, change the figure "1938" to "1937".

At line 20, page 1, change the figure "1938" to "1937".

At line 22, page 1, following the sentence ending "provided by law.", add the following sentence: "This Act shall not apply to the purchaser of any certificate of sale made prior to the passage and approval of this Act."

At line 3, page 2, change the figure "1938" to "1937".

At line 18, page 2, following the words "from and after", add the words "its passage and approval.", striking the words "the twentieth day of May, 1937."

At line 21, page 2, change the figure "1938" to "1937".

At line 21, page 2, change the word "effect" to "affect".

And as amended, be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 22, respectfully report as follows: That House Bill No. 22 be placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 8, respectfully report as follows: That House Bill No. 8 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Military Affairs, having had under consideration House Bill No. 99, respectfully report as follows: That House Bill No. 99 do not pass.

BRAYMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 130, respectfully report as follows: That House Bill No. 130 be amended as follows: By adding another Section to read as follows:

Section 2. If any section of this Act, or part thereof, shall be declared invalid or unconstitutional, it shall not affect the other sections or parts hereof, but such sections not so invalidated shall remain in full force and effect.

Renumber the subsequent Sections accordingly, and as amended do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 67, respectfully report as follows: That House Bill No. 67 be amended as follows: By adding after number 2 in Section 2, the following:

In addition to but separate from hereinafter provided, in Section 3085 of the Revised Codes of Montana of 1935, and as amended do pass.

MULHOLLAND, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day reconsidered its action on House Joint Resolution No. 2, whereby the same failed of concurrence on Third Reading, and upon motion, duly seconded and carried, the Senate requests the House to return House Joint Resolution No. 2 to the Senate for further consideration.

Respectfully,

GEORGE A. BURR,  
Secretary of Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House comply with the request of the Honorable Senate for the return of House Joint Resolution No. 2.

#### INTRODUCTION OF BILLS

The following was introduced, read first and second times, and referred to committee:

House Bill No. 139, introduced by Daly and Heavlin: A Bill for an Act entitled: "An Act to regulate and license the manufacture and sale at retail of any and all alcoholic liquors or beverages in the State of Montana; providing for a license tax to be paid by retail vendors other than the State of Montana, both as respects licenses issued by the state as well as by cities within the state; providing for the apportionment and distribution of license fees, fines and penalties collected under the provisions of this Act; providing for local option in counties of the state and the holding of elections with respect thereto; and declaring the policy of the law in the sale of alcoholic beverages." Referred to the Committee on Revenue and Taxation.

### THIRD READING

House Bill No. 78 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bloom, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Hardcastle, Heavlin, Hoiness, Ijams, Jackson, Kelson, Lambert, Lasby, Lemmer, Lippard, Love, McLeod, Mackie, Metcalf, Metlen, Minette, Mitchell, Monahan, Nelson, O'Connor, Padbury, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Wenger. Total 51.

Noes: Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brennan, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Goodwin, Haight, Hamilton, Haugan, Hedden, Hess, Holecek, Johnson, Kruse, Leeson, Lehrkind, Longenecker, McClain, McKenna, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, Parker, Peterson (Sheridan), Phelan, Schneider, Stimatz, Trandum, Tyler, Vanek, Whaley, Wood, Mr. Speaker. Total 43.

Absent and not voting: Levissee, Joffray, Lovell, O'Shea, Peterson (Pondera), Scott, Waldrop. Total 7.

Passed their vote: Mulholland. Total 1.

Toomey called the attention of the House to the fact that Substitute House Bill No. 14 violated the provisions of Article V, Section 19 of the Constitution of the State of Montana, and thereupon the Speaker announced that Substitute House Bill No. 14 be unlawfully in the House and the same was ordered returned to the Committee on Labor.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 51 be amended as follows: Amend by striking out all of Sections 2 and 3 and substituting in lieu thereof the following:

Section 2. This Act shall take effect and be in force on and after the 31st day of December, 1938, provided the same shall be ratified by a majority vote of the people of the State of Montana.

Section 3. There shall be a referendum upon this Act and the Secretary of State is hereby required and it is made his duty to submit this measure in accordance with Article V, Section 1 of the Constitution, to the people of the State for their approval or rejection, at the biennial regular general election to be held in November 1938.

Section 4. This Act shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot as provided by Article V, Section 1 of the Constitution and as provided by law, and shall be voted on at the general election to be held in November, 1938; and the principal ballot to be used at said election shall have printed thereon the words in capital letters as follows:



FOR FURNISHING FREE TEXT BOOKS TO PUPILS ATTENDING PRIVATE AS WELL AS PUBLIC SCHOOLS



AGAINST FURNISHING FREE TEXT BOOKS TO PUPILS ATTENDING PRIVATE AS WELL AS PUBLIC SCHOOLS.

Section 5. If a majority of the votes at said election shall be in favor of this Act, Section 1 thereof shall not be in effect until the 31st day of December, 1938., and as amended do pass.

That House Bill No. 1 be amended as follows: Amend Section 3 of the printed bill in line 3 by striking out the figures "1921" and inserting in lieu thereof the figures "1935"; and as amended do pass.

That House Bill No. 93 do pass.

That Senate Bill No. 11 be concurred in.

That Senate Joint Resolution No. 5 be concurred in.

That Senate Bill No. 28 be concurred in.

That consideration of House Bill No. 22 be passed for the day.

KRUSE, Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the representatives of the Workers Alliance of Montana be given the use of the House Chambers to address the members of the assembly, who wish to remain, under rules prescribed by the Speaker.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Saturday morning, January 30th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

#### TWENTY-SEVENTH DAY

House of Representatives,  
Helena, Montana,  
January 30th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.  
Mr. Speaker in the Chair.

On roll call all members present except the following who were excused: Lovell, Manning, O'Shea, Peterson (Pondera) and Scott.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-sixth Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

#### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:



By Scofield: A Bill for an Act entitled: "An Act relating to the fixing of seasons and bag limits for the taking of fish and game and furbearing animals within the State of Montana, and defining the powers of the State Fish and Game Commission in relation thereto."

By Lemmer: A Bill for an Act entitled: "An Act requiring the State Fish and Game Warden, and members of his staff, to examine all mill races, irrigation ditches, pipes, flumes and canals taking or receiving water from any river, creek, stream or lake for the purpose of determining whether such mill races, irrigation ditches, pipes, flumes or canals shall be screened; granting power to order the same to be screened; providing the manner of serving such order and specifying the time allowed for compliance with it; providing that refusal or neglect to comply with such order shall constitute a misdemeanor and fixing the penalty therefor."

By Social Security Committee: A Bill for an Act entitled: "An Act extending to December 31, 1939 the period of the Public Works Emergency Relief Program authorized by Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of 1933-1934 continued in effect to June 1, 1937, by Chapter 135 Session Laws of 1935 and repealing all Acts in conflict herewith."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to repeal Section 17 of Chapter 141 of the Twenty-fourth Legislative Assembly of Montana of 1935 entitled "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue-producing undertakings by any City and Town, however organized; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of Holders thereof.", by removing the time limit within which Municipalities may borrow money or deliver bonds pursuant to said Act."

#### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Bills No. 82, 114, 115, 119, 121 and 127 and House Joint Memorial No. 4 have been correctly printed.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing, reported the following bills correctly engrossed: House Bills Nos. 64, 84 and 7 and House Resolution No. 2.

HESS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Economics, having had under consideration House Bill No. 77 respectfully report as follows:

That House Bill No. 77 be amended as follows:

On Lines twelve and thirteen of Section 1, strike out the words "one assistant, two sergeant at arms". On line thirteen of Section 1, strike out the words "one statistician". On line twenty of Section 1, strike out the words "six janitors" and insert in lieu thereof "one head janitor and three assistant janitors". In lines twenty and twenty-one, Section 1, strike out the words "six door keepers" and insert in lieu thereof "three door keepers". In line twenty-one of Section 1, strike out the words "six watchmen" and insert in lieu thereof "three watchmen". In line twenty-one of Section 1, strike out the words "seven pages" and insert in lieu thereof "five pages". In line twenty-two of Section 1, strike out the words "two assistant law Clerks" and insert in lieu thereof "one assistant law Clerk". In line twenty-five of Section 1, strike out the word "one hundred" and insert in lieu thereof, the word "eighty." In line 29 of Section 3, strike out the words

"passage and approval" and insert in lieu thereof, the words "May 1, 1937."  
And as amended do pass.

PETERSON of Sheridan, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 88, respectfully report as follows: That House Bill No. 88 be reported out in the original form without recommendation, and be printed and put on General Orders.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 38 respectfully report as follows: That House Bill No. 38 be amended as follows:

Amend the title of bill after the words "for the violation thereof"; and adding the following words, "and repealing Sections 2420.1, 2420.2, 2420.3, 2420.4, 2420.5, 2420.6, 2420.7, 2420.8, 2420.9, 2420.10, 2420.11, Revised Codes of Montana, 1935.

Amend page 3, line 9 after the word "more" and before the word "stores" by inserting the word "retail."

Amend page 3, line 23 and 24, by striking the words "or by such wholesaler."

Amend page 4, line 1 after the words "building materials" add the words "and hardware."

Amend page 5 after sub-division 6, add following sub-division to be No. 7. "7 wholesale stores shall be taxed in all cases as individual units at the rate of Twenty-five Dollars (\$25.00) per unit, regardless of ownership."

Amend page 5, line 1 after the word "building materials" add the words "and hardware."

Amend page 5, line 9 after the word "building materials" add the words "and hardware."

Amend lines 13 and 14 page 4 by striking out the words and figures "Two Dollars and Fifty Cents, (\$2.50);" and insert in lieu thereof the words and figures "Five Dollars (\$5.00)."

Amend line 18, page 4 by striking the words and figures "Seventy-Five Dollars (\$75.00)" and insert in lieu thereof the words and figures "One Hundred Dollars (\$100.00)."

Amend line 20, page 4 by striking the words and figures "Two Hundred and Twenty-Five Dollars (\$225.00) and insert in lieu thereof the words and figures "Two Hundred and Fifty Dollars (\$250.00)."

Amend line 22, page 4 by striking the words and figures "Six Hundred and Seventy-five Dollars (\$675.00)" and insert in lieu thereof the words and figures "Five Hundred Dollars (\$500.00)."

Amend line 24, page 4 by striking the words and figures "One Thousand Dollars (\$1,000.00)" and insert in lieu thereof the words and figures "Eight Hundred and Seventy-five Dollars (\$875.00)."

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Corporations other than Municipal, having had under consideration House Bill No. 112 respectfully report as follows: That House Bill No. 112 do pass, that House Bill No. 124 do pass.

FRESHMAN, Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial was this day read third time and passed, title agreed to, and same is herewith transmitted to the House for concurrence:

S. J. M. No. 3

S. B. No. 22

S. B. No. 25

S. B. No. 33

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence in the Senate, and bills are herewith returned to the House:

House Bill No. 36.

House Bill No. 17.

House Joint Memorial No. 1.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Ruffcorn, duly seconded and carried, that House Bill No. 26 be passed for the day.

## INTRODUCTION OF BILLS

Senate Bill No. 22, introduced by Oliver: A Bill for an Act entitled: "An Act to provide for the payment of delinquent personal property taxes, and defining the procedure of the County Treasurer where personal property is seized for the payment of such taxes, and providing a time when such personal tax can be paid without penalty or interest." Referred to Committee on Revenue and Taxation.

Senate Bill No. 25, introduced by Page: A Bill for an Act entitled: "An Act to amend Chapter 301 Revised Codes of Montana, 1935, by adding a new Section to be known as Section 3444.1 requiring sampling Works or Smelter to mail to the Lessee a statement of the gross and net proceeds of ores bought or treated from Lessors of Mines; and, to amend Section 3446 providing penalty for violation thereof." Referred to Committee on Mines and Mining.

Senate Bill No. 33, introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 9939 of the Revised Codes of Montana, 1935, relating to the venue in eminent domain proceedings." Referred to Committee on Judiciary.

Senate Joint Memorial No. 3, introduced by Baker of Dawson, Calder, Kroman: A Memorial developing the Buffalo Rapids Project for the purpose of irrigating lands with water diverted from the Yellowstone River in the Counties of Dawson, Prairie and Custer, and further providing the stabilization of farming and stockgrowing industry. Referred to Committee on Water Conservation and Flood Control.

House Bill No. 140, introduced by Metlen: A Bill for an Act entitled: "An Act amending the Laws of Montana relating to State Lands, providing for the prospecting for and mining of metalliferous minerals and gems in lands owned by the State or reserved in lands sold or leased by the State; empowering the State Board of Land Commissioners to issue prospecting permits and leases for such purposes, and defining the powers of said Board

with respect to lands containing or supposed to contain such metalliferous minerals and gems, and repealing Sections 1805.48, 1805.49, 1805.50 and 1805.51 of the Revised Codes of Montana of 1935, subject to the rights of Permittees and Lessees under permits and leases in good standing at the time of the passage of this Act, and repealing all other Acts and Parts of Acts in conflict with this Act." Referred to Committee on State Lands.

House Bill No. 141, introduced by Anderson of Phillips: A Bill for an Act entitled: "An Act to establish a central personnel agency to regulate the Civil Service of the State, including the Executive, Legislative and Judicial Branches and to establish the merit system in the employment of personnel in all Departments."

House Bill No. 142, introduced by Committee on Education: A Bill for an Act entitled: "An Act to amend Section 1224.6 of the Revised Codes of Montana of 1935, relating to the powers of the Trustees of School Districts to issue refunding bonds." Referred to Committee on Education.

House Bill No. 143, introduced by Haugan: A Bill for an Act entitled: "An Act requiring persons hunting big game animals in this State to wear distinguishing marks and articles of apparel; prescribing in what such distinguishing marks and articles of apparel shall consist; providing that violations of this Act shall be misdemeanors and fixing penalties therefor." Referred to Committee on Public Safety.

House Bill No. 144, introduced by Hedden, by request: A Bill for an Act entitled: "An Act to amend Section 1005 of the Revised Codes of Montana of 1935, relating to the organization of Boards of School Trustees and the appointment of a Clerk, who may be designated as business Manager of the District in Districts of the First or Second Class." Referred to Committee on Education.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Joint Resolution No. 5 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levisse, Lippard, McClain, Measure, Metlen, Miles, Monahan, Mungas, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Stromnes, Toomey, Trandum, Vanek, Waldrop, Wenger. Total 60.

Noes: Anderson (Chouteau), Anderson (Lincoln), Burns, Chamberlain, Cusick, DeDobbeleer, Dougherty, Green, Haugan, Hedden, Hess, Kelson, Kruse, Leeson, Longenecker, McKenna, McLeod, Mackie, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Peterson (Sheridan), Schneider, Sorte, Spiegel, Stimatz, Stortz, Tyler, Whaley, Wood, Mr. Speaker. Total 34.

Absent and not voting: Brennan, Love, Lovell, Manning, Minette, O'Shea, Peterson (Pondera), Scott. Total 8.

Senate Bill No. 28 was concurred in by the following vote:

Ayes, Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson,



Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Stimatz, Stortz, Stromnes, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 92.

Noes: None.

Absent and not voting: Brennan, Love, Lovell, Manning, Minette, O'Shea, Peterson (Pondera), Scott, Trandum, Tyler. Total 10.

Senate Bill No. 11 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, McClain, McLeod, Mackie, Masterson, Metcalf, Metlen, Miller (Roosevelt), Monahan, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Shanley, Smith, Sorte, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley. Total 75.

Noes: Green, Kelson, Kruse, Lippard, Longenecker, McKenna, Manning, Measure, Miles, Miller (Big Horn), Mungas, Scofield, Sherman, Spiegel, Vanek, Wood, Mr. Speaker. Total 17.

Absent and not voting: Brennan, Joffray, Love, Lovell, Minette, Mitchell, Mulholland, O'Shea, Peterson (Pondera), Scott. Total 10.

House Bill No. 84 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: Anderson (Lincoln), Haight, Holecek, Lippard. Total 4.

Absent and not voting: Brennan, Love, Manning, Minette, O'Shea, Peterson (Pondera), Scott. Total 7.

House Bill No. 7 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hardcastle, Hedden, Hoiness, Ijams, Joffray, Lambert, Lovell, McClain, McLeod, Mackie, Masterson, Metcalf, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Phelan, Schneider, Scofield, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Waldrop, Wenger, Wood. Total 48.

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Elliott, Green, Haight, Hamilton, Haugan, Heavlin, Hess, Hole-

cek, Jackson, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McKenna, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, Parker, Peterson (Sheridan), Reed, Ruffcorn, Stromnes, Tyler, Vanek, Whaley, Mr. Speaker. Total 46.

Absent and not voting: Brennan, Love, Manning, Minette, O'Shea, Peterson (Pondera), Scott, Shanley. Total 8.

House Bill No. 64 passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Hedden, Hess, Joffray, Johnson, Lambert, Lehrkind, Lemmer, Levissee, Longenecker, McLeod, Measure, Metcalf, Metlen, Minette, Mitchell, Mungas, Nelson, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 50.

Noes: Anderson (Chouteau), Anderson (Lincoln), Bower, Campbell, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hoiness, Ijams, Kelson, Kruse, Lasby, Leeson, Lippard, Lovell, McClain, McKenna, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, O'Connor, Padbury, Parker, Scofield, Smith, Sorte, Spiegel, Stimat, Stortz, Whaley. Total 41.

Absent and not voting: Brennan, Chatham, Holecek, Jackson, Love, Mackie, Manning, O'Shea, Peterson (Pondera), Scott. Total 10.

Passed their vote: Mulholland. Total 1.

House Resolution No. 2 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bjorneby, Bower, Brayman, Burns, Campbell, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Heavlin, Hedden, Hess, Ijams, Joffray, Lasby, Lehrkind, Lemmer, Levissee, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Stimat, Stromnes, Toomey, Trandum, Vanek, Wenger, Whaley, Mr. Speaker. Total 61.

Noes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Chamberlain, Conner, D'Ewart, Green, Haight, Hamilton, Haugan, Jackson, Johnson, Kelson, Kruse, Leeson, Lippard, Longenecker, Lovell, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, O'Connor, Peterson (Sheridan), Scofield, Smith, Tyler, Waldrop, Wood. Total 31.

Absent and not voting: Brennan, Hoiness, Holecek, Lambert, Love, Metlen, O'Shea, Peterson (Pondera), Scott, Stortz. Total 10.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Lippard in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following recommend:

That the enacting clause be stricken from House Bill No. 20.

It was moved by Lippard, duly seconded, that the report of the Committee of the Whole, be adopted.

A roll call was demanded by the required number and the motion was carried by the following vote:

Ayes: 49; noes: 45; absent and not voting: 8.

#### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported House Bill No. 33 correctly enrolled.

McKENNA, Chairman.

Report adopted.

The Speaker signed House Bill No. 33 in Open Session.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, requests the House to return to the Senate House Bill No. 17 for further consideration.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that the House comply with the request of the Senate to return House Bill No. 17 for further consideration.

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: Your Committee for the investigation of the Montana Relief Commission report as follows:

That inasmuch as already there has been placed before your committee evidence that if substantiated will warrant summary action by this House, and, inasmuch as this Committee desires to be as thorough-going as possible in this investigation in order to be as fair and just to all parties involved, it is the opinion of your committee that the scope of their investigation is limited to the broader aspects of the state-wide administration of the Montana Relief Commission and that the Committee must of a necessity avoid all inquiry into local quarrels except as they relate to the main subject matter of our investigation. To fail to so report we feel might extend false hopes to certain persons, who may be under the impression that this committee is in a position to alleviate their conditions.

HAIGHT,  
METCALF,  
McCLAIN,  
EGGENBERGER,  
MASTERSON.

#### MOTIONS AND RESOLUTIONS

It was moved by Mitchell, duly seconded and carried, that a Special Committee be appointed by the Speaker and a like committee requested in the Senate to work with the Governor and the Relief Commission to see if they cannot take care of the requests made yesterday by the Workers Alliance Organization.

It was moved by Stimatz, duly seconded, that the House reconsider its action on House Bill No. 20. Motion was lost.

Holecek, Eggenberger and Elliott were excused from the afternoon session to attend a Public Hearing on Unemployment Insurance.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Johnson: A Bill for an Act entitled: "An Act in relation to arson and the burning of property to defraud an Insurer and to repeal Sections 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345 and 11426 of the Revised Codes of Montana of 1921."

By O'Connor: A Bill for an Act entitled: "An Act to prevent unfair competition and to prohibit monopolies in the business of financing the sale of motor vehicles in this State, by declaring unlawful and void certain agreements, contracts or conditions between manufacturers or wholesale distributors, whereby the dealer is required to finance sales of motor vehicles only through a designated finance company or finance agency: and providing penalties and recoveries for the violation of this Act."

### MESSAGES FROM THE GOVERNOR

The Governor this day approved of House Bill No. 3.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees; all appropriation measures having been read at length:

House Bill No. 145, introduced by Haugan, Miles and Scofield: A Bill for an Act entitled: "An Act to add a new Subsection to Section 884 of the Revised Codes of Montana of 1935, numbered as Subsection 12 and relating to the duties of the Montana State Bureau of Mines and Geology." Referred to Committee on State Lands.

House Bill No. 146, introduced by Appropriations Committee: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes, as designated herein, for certain of the State's Institutions, for the period beginning July 1, 1937 and ending June 30, 1939." Referred to Committee on Appropriations.

House Bill No. 147, introduced by Goodwin: A Bill for an Act, entitled: "An Act permitting any motor Carrier authorized by the Board of Railroad Commissioners of the State of Montana to transport persons and/or property for hire over any public highway in the State of Montana, aggrieved by the cancellation and/or refusal of issuance of motor vehicle liability insurance policy or bond by any insurance or surety Company authorized to do business within the State of Montana, to file complaint with the Commissioner of Insurance of the State of Montana; authorizing the Commissioner of Insurance after notice to the parties and public hearing held to make appropriate finding or findings and enter an order thereon; providing for an appeal to the District Court from the decision of the Commissioner of Insurance and for an appeal to the Supreme Court of the State of Montana from any decree of the District Court or a Judge thereof and authorizing the Commissioner of Insurance to revoke or suspend the license of any Company failing to comply with his said order or decree of Court entered upon appeal from his said order." Referred to Committee on Insurance.



House Memorial No. 2, introduced by Longenecker: A Memorial memorializing the Representatives of the State of Montana in the Congress of the United States, President Franklin D. Roosevelt, the National Social Security Board, and Governor Roy E. Ayers of Montana, praying that they use their every effort to rescind the orders immediately which withdraw assistance to the needy aged people of Montana. Referred to Committee on Social Security.

### MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that House Bill No. 51 be taken from the Committee on Engrossing and returned to the head of the list on General Orders.

It was moved by O'Connor, duly seconded and carried, that House Bill No. 58 be taken from General Orders and re-referred to the Committee on Judiciary.

It was moved by Spiegel, duly seconded and carried, that consideration of House Bill No. 22 be passed for the day.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 126, respectfully report as follows: That House Bill No. 126 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, the majority of your Committee on Education, having had under consideration House Bill No. 27, respectfully report as follows: That House Bill No. 27 do not pass.

LONGENECKER,  
LIPPARD,  
HAIGHT,  
CRUICKSHANK,  
JACKSON,  
CONNER,  
O'CONNOR,  
MINETTE,  
KRUSE,  
HAMILTON.

Report adopted.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Lippard in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 51 be amended as follows:

Amend the title as follows: Change the period at the end of the title in line 5 of the printed bill to a comma, strike the quotation marks and add the following: "and providing for a referendum of said Act and providing the time when said Act shall take effect."; and that all amendments placed in House Bill No. 51 on Friday, January 29th, remain in the bill; and that the same do pass as amended.

LIPPARD, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that House Bill No. 51 be considered properly engrossed and placed on Third Reading.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 51 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hardecastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Mr. Speaker. Total 83.

Noes: Leeson, Stimatz. Total 2.

Absent and not voting: Brayman, Eggenberger, Elliott, Hamilton, Heavlin, Holecek, Lehrkind, Lemmer, Love, Metlen, Monahan, Nelson, O'Shea, Peterson (Pondera), Scott, Waldrop, Wood. Total 17.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Lippard in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following recommend:

That House Bill No. 89 be passed for the day.

That House Bill No. 83 do pass.

That House Bill No. 75 be amended as follows:

Amend Section 7, article F in line 41 of the printed bill by striking out the figures "10" and inserting in lieu thereof the figures "15"; Amend by adding after Section 10 a new Section numbered 11 as follows: "Section 11. If any clause, sentence, subdivision, paragraph or Section of this Act, or any thereof in combination are found unconstitutional, such result shall not affect or alter the remainder of this Act or any part of the remainder and the same shall stand as valid, the Legislative Assembly hereby declaring that it would have enacted the remainder or residue not found unconstitutional." and renumber the subsequent Sections accordingly; Amend Section 12 by striking out in line 1 the words "its passage and approval." and inserting in lieu thereof the words "December 1st, 1937."; and as amended do pass.

That House Bill No. 97 be passed for the day.

That Senate Bill No. 1 be amended as follows:

Amend the title by striking out in line three of the printed bill the words "December First 1937" and inserting in lieu thereof the words "November 20th, 1937," and amend Section 1 by striking out in lines 7 and 8 and 9 the words "first day of December, 1937" and inserting in

lieu thereof the words "twentieth day of November, 1937." and amend Section 3 in line 2 by striking the words "first day of December, 1937" and inserting in lieu thereof the words "twentieth day of November 1937." and as amended do pass.

It was moved by Lippard, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion, it was moved by Dougherty, duly seconded, that House Bill No. 75 be segregated from the report of the Committee of the Whole. A roll call was demanded by the required number and two members requested that same be recorded in the Journal. Motion failed by the following vote:

Ayes: Campbell, Chatham, Dougherty, Finnegan, Lovell, McLeod, Metlen, Mungas, Padbury, Parker, Shanley, Smith, Stromnes, Wenger, Whaley. Total 15.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Cusick, Daly, DeDobbeleer, D'Ewart, Green, Haight, Hamilton, Haugan, Hedden, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lasby, Leeson, Levisse, Lippard, Longenecker, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, O'Connor, Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Wood, Mr. Speaker. Total 62.

Absent and not voting: Acher, Anderson (Lincoln), Brayman, Crouse, Cruickshank, Eggenberger, Elliott, Freshman, Goodwin, Hardcastle, Heavlin, Hess, Holecek, Joffray, Lambert, Lehrkind, Lemmer, Love, Manning, Mitchell, O'Shea, Peterson (Pondera), Ruffcorn, Scott, Waldrop. Total 25.

Whereupon motion to adopt report of the Committee of the Whole, carried.

### MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that hereafter it be considered a discourtesy to the House for any member of the House or any visitor to rise from his or her seat or converse after a motion to adjourn has been put and until final action is had on said motion.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees:

House Bill No. 148, introduced by Hamilton, Alvord, Schneider: A Bill for an Act entitled: "An Act to amend Section 933 Revised Codes of Montana, 1935, relating to the official staff of the Superintendent of Public Instruction, adding thereto a music supervisor, fixing the salary, and defining the duties of such supervisor." Referred to Committee on Education.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Public Safety, having had under consideration House Bill No. 143 respectfully report as follows:

That House Bill No. 143 be amended as follows:

By striking out the word "and" after the comma after \$100.00 and inserting in lieu thereof the word "or", in line 18, and as amended do pass.

DALY, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Monday morning, February 1st, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### TWENTY-NINTH DAY

House of Representatives,  
Helena, Montana  
February 1, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Lemmer, Padbury, Peterson (Sheridan), Smith and Waldrop.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-seventh Legislative Day find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Spiegel: A Bill for an Act entitled: "An Act to amend Section 2343.1 and Section 2343.3 of Chapter 210 of the Revised Codes of Montana, 1935, relating to electrical energy producers' license tax and the distribution of said tax."

By Peterson (Pondera): A Bill for An Act entitled: "An Act to amend Sections 3847.2, 3847.3, 3847.11 and 3847.27 of Chapter 310 of the Revised Codes of Montana, 1935, relating to supervision, regulation and control of the use of the public highways of the State of Montana by motor vehicles engaged in the transportation by motor vehicles of persons and property upon the public highways of Montana, and adding to said Chapter 310 new and additional Sections to be designated and numbered Section 3847.10½ and 3847.29; providing for the licensing of persons and corporations operating motor vehicles for distributing, delivering and collecting wares, merchandise and commodities sold and to be sold by them; providing an additional license tax upon all motor carriers subject to the provisions of this Act, and appropriating the moneys collected to be used in the enforcement of the Act; providing for distinctive plate numbers on motor carriers operating motor vehicles under this Act; and repealing all Acts and parts of Acts in conflict herewith."

By Committee on Public Utilities and State Commissions, Monahan, Chairman: A Memorial entitled: "A Memorial memorializing the President of the United States, the Senators and Congressmen of the State of Montana, and the Governor of the State of Montana, urging them to work for the incorporation of facilities for the generation of electric power in water conservation projects."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Public Utilities and State Commissions, having had under consideration House Bill No. 137, respectfully report as follows: That House Bill No. 137 be amended as follows:

By inserting in Line 14 of the Title after the word "hereby" the following: "As to such natural gas pipe line or pipe lines".



By inserting in Section 1, Page 2, and Line 2 after the word "hereby" the following: "as to such natural gas pipe line or pipe lines".

MONAHAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 49, respectfully report as follows: That House Bill No. 49 be reported without recommendation and that it be printed and placed on General Orders.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 61, respectfully report as follows: That House Bill No. 61 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 131, respectfully report as follows: That House Bill No. 131 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 146, respectfully report as follows: That House Bill No. 146 be recommended for passage.

MANNING, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title agreed to, and bills are herewith returned to the House: House Bills Nos. 65 and 66 and House Joint Resolution No. 2.

The following House Bill was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments: House Bill No. 37.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 18, 27, 37 and 38.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that on General Orders all bills be considered read by history, title and section number only, unless otherwise requested.

It was moved by Green, duly seconded and carried, that consideration of House Bill No. 22, now on General Orders, be passed for the day.

It was moved by Chamberlain, duly seconded and carried, that Senate Bill No. 1 be taken from Third Reading and placed back on General Orders.

It was moved by Joffray, duly seconded and carried, that consideration of House Bill No. 89 be passed for the day.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 18, introduced by Simmons: A Bill for an Act entitled: "An Act to amend Sections 10416 and 10416.1 of the Revised Codes of Montana of 1935, relating to sale of and power to mortgage right of dower of insane or incompetent married woman, or of dower of insane or incompetent widow—guardian, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

Senate Bill No. 27, introduced by Pauline and Page: A Bill for an Act entitled: "An Act to amend Section 104 of the Revised Codes of Montana, 1935, relative to the form of ballot of initiative and referendum measures and repealing all Acts in conflict therewith." Referred to the Committee on Privileges and Elections.

Senate Bill No. 37, introduced by Committee on Taxation: A Bill for an Act entitled: "An Act to amend Section 2295.7 of the Revised Codes of Montana, 1935, relating to income tax and defining gross income and what is included therein." Referred to the Committee on Revenue and Taxation.

Senate Bill No. 38, introduced by Committee on Taxation: A Bill for an Act entitled: "An Act amending Section 2296 of the Revised Codes of Montana, 1935, relating to corporation license tax and defining what organizations are exempt therefrom." Referred to the Committee on Revenue and Taxation.

House Bill No. 149, introduced by Scofield: A Bill for an Act entitled: "An Act relating to the fixing of seasons and bag limits for the taking of fish and game and fur-bearing animals within the State of Montana, and defining the powers of the State Fish and Game Commission in relation thereto." Referred to the Committee on Fish and Game.

House Bill No. 150, introduced by O'Connor: A Bill for an Act entitled: "An Act to prevent unfair competition and to prohibit monopolies in the business of financing the sale of motor vehicles in this state, by declaring unlawful and void certain agreements, contracts or conditions between manufacturers or wholesale distributors, whereby the dealer is required to finance sales of motor vehicles only through a designated finance company or finance agency; and providing penalties and recoveries for the violation of this Act." Referred to the Committee on Judiciary.

House Bill No. 151, introduced by Mitchell and others: A Bill for an Act entitled: "An Act relating to hours of work of members of paid fire departments of cities of the first class, providing a minimum compensation for members of paid fire departments of cities of the first class, providing penalties for a violation thereof, and repealing all Acts or parts of Acts in conflict therewith." Referred to the Committee on Labor.

House Bill No. 152, introduced by Lasby: A Bill for an Act entitled: "An Act declaring the policy of the State of Montana as to alcoholic liquor, beer and malt beverages; creating the Montana Liquor Commission, prescribing its powers and duties, and providing for certain licenses to be issued by it; defining certain words and phrases and providing for the regulation, prohibition and licensing of the sale of alcoholic liquor in the State of Montana; providing for the imposition and collection of taxes; providing for the collection of taxes, license and permit fees by the Montana Liquor Commission and providing for the disposition of said fees; providing for the revocation of licenses and for the removal of certain officers and permitting certain suits for damages in connection with the violation of this Act; creating a special fund for the use and disposition of its receipts and providing an appropriation therefor; providing for the filing of bonds; providing penalties for the violation of this Act

and parts thereof; repealing all Acts and parts of Acts in conflict with this Act; and repealing from and including Sections 2815.10 to and including Sections 2815.163." Referred to the Committee on Revenue and Taxation.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Holecek in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We your Committee of the Whole, having had under consideration the following, recommend: (all amendments referring to the printed bills)

That House Bill No. 127 be amended as follows: Amend by adding a new Section after Section 1 as follows: "Section 2. This Act shall be in full force and effect from and after its passage and approval." and as amended do pass.

That House Bill No. 26 be amended as follows: Amend Section 1. by striking out in line 3 the figure "1" and inserting in lieu thereof the figures "1998"; amend Section 1 in line 22 by inserting the word "of" before the words "the United States"; and as amended do pass.

That House Bill No. 97 do pass.

That House Bill No. 82 be amended as follows: Amend Section 1, line 1, by inserting after the word "Codes" the words "of Montana 1935", Amend line 27, page 4, after the words "shall be" in Section 2, by striking the remainder of paragraph "1" and inserting in lieu thereof the words "installed in a sanitary manner to be approved by the Commissioner of Agriculture or his agents and thereafter shall be kept and maintained in a sanitary condition."; amend by adding in Section 2, line 1, Section 3, line 1, Section 5, line 1, Section 6, line 1, Section 7, line 2, by adding the words and figures "of Montana, 1935" and amend the title, line 11 by adding the word "Montana" after the word "of"; Amend Section 3 by striking out in line 5 the words "and packed and sold in wax cartons"; and as amended do pass.

That House Bill No. 114 do pass.

That House Bill No. 115 do pass.

That House Joint Memorial No. 4 do pass.

That Senate Amendments to House Bill No. 37 be not concurred in and that a conference committee be appointed by the House and a like Committee requested from the Senate.

That House Bill No. 121 be amended as follows: Amend Section 1 in line 9 by adding the words "and use" after the word "leasing", and in line 16 by striking the words "State Land Board" and inserting in lieu thereof the words "Commissioner of State Lands and Investments" and as amended do pass.

That House Bill No. 119 be amended as follows: Amend Section 1 by inserting the word "Montana" after the word "of" and before the figures "1935" and as amended do pass.

HOLECEK, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker signed in Open Session the following: Substitute Senate Bill No. 4.

## NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Monahan: A Bill for an Act entitled: "An Act to regulate the caravaning of motor vehicles upon the public highways of the State of Montana: Defining the term "caravaning": Providing for the granting of certificates for motor vehicles in caravans and fixing the fee thereof: Defining the duties of the Board of Railroad Commissioners of the State of Montana in regard thereto: Providing for the filing of verified statements with the Board of Railroad Commissioners by every holder of a certificate or certificates issued under the provisions of this Act: providing for the disposition and disbursement of the fees collected under this Act and penalties for violation of this Act."

By Johnson: "An Act to amend Section 3732 of the Revised Codes of Montana of 1935, relating to non-residents shipping game animals, game birds, fish, furbearing animals, or the skins of game animals and fur-bearing animals, or parts thereof out of the state."

By Anderson (Lincoln), by request: A Bill for an Act entitled: "An Act to amend Section 4465.4, Revised Codes of Montana of 1935, relating to the tax levy for the care of poor and indigent persons."

By Anderson (Lincoln), by request: An Act relating to the floating indebtedness of counties outstanding on June 30, 1937, and providing for the issuance of bonds for the purpose of funding such indebtedness and for the levying of taxes for the payment of such bonds.

By Cusick, by request: "An Act to amend Sections 2639.4, 2639.5, 2639.6, 2639.7, 2639.9, and 2639.11 of Chapter 241 of the Revised Codes of Montana, 1935, and to add to said Chapter a new Section numbered 2639.13, relating to a Milk Control Board, to exercise such supervision and control pursuant to the provisions of this Act; to provide for the manner of selecting the members of said Milk Control Board and fixing their compensation; to prescribe and define the powers and duties thereof; to provide for the enforcement of this Act; to provide penalties for violation of this Act; to provide for licensing and collection of fees and the appropriation of the proceeds thereof for the purposes of this Act, and declaring an emergency."

By Holecek and Levissee: A Bill for an Act entitled: "An Act to amend Sections 2815.61, 2815.63, 2815.65, 2815.66, 2815.67, 2815.69, 2815.75, and 2815.11 of the Revised Codes of Montana, 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana, and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; defining terms, defining functions, powers and duties of such board; creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the salaries, powers and duties of such officers; defining "nuisance", and providing for the abatement of same, and repealing Section 2815.52 of the Revised Codes of Montana, 1935."

By Jeffray: A Bill for an Act entitled: "An Act to regulate, license and authorize the sale of liquor at retail in the State of Montana; authorizing, empowering and directing the Montana Liquor Control Board to issue



retail liquor licenses to persons qualified under this Act to sell liquor at retail; defining certain words and terms used in this Act; providing for a license tax and fixing the amount of license fees to be paid for said license; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to licensees by State Liquor Stores; prohibiting the sale and/or traffic in liquor other than purchased at State Liquor Stores, and prohibiting the sale of liquor to minors and other designated persons; authorizing the Montana Liquor Control Board to prescribe and promulgate rules and regulations with statutory effect; providing for the suspension and revocation of licenses; providing for hearings by the Board and appeals from decisions thereof; providing for local option in the counties in the state and holding elections in respect thereto; granting to the Montana Liquor Control Board strict regulation and control of licenses and licensees and declaring the policy of law in the sale of liquor; providing for allocation of revenue derived from licenses; declaring this Act to be an emergency measure; and providing penalties for the violation of this Act."

By Committee on Townships and Counties, Anderson (Chouteau), Chairman: "An Act relating to contracts for public printing, fixing the prices therefor, and providing for a penalty for violation of the provisions of this Act; and repealing Section 4482, Revised Codes of Montana, 1935."

By Committee on Townships and Counties, Anderson (Chouteau), Chairman: A Bill for an Act entitled: "An Act to amend Section 4867 of the Revised Codes of Montana of 1935, relating to the salaries of sheriffs of the sixth and seventh class counties."

By Mulholland, Finnegan, McLeod, Spiegel, Anderson (Silver Bow), Joffray, Stimatz, Scott, O'Shea, McClain, Chamberlain, Burns, Daly, Eggenberger, Bower: "An Act to amend Chapter 299 of the Revised Codes of Montana, 1935, relating to quartz mining, by adding to said Chapter two new Sections to be known as Section 3433.1 and Section 3433.2; providing for the erection, maintenance and equipment of fire proof wash houses; providing for liability for loss by fire in certain cases; providing a penalty for malicious injury or destruction of said building or its contents, or for failure to provide said building within a reasonable time."

## REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bill correctly engrossed: House Bill No. 83.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 151, respectfully report as follows: That House Bill No. 151 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Mines and Mining, having had under consideration Senate Bill No. 25, respectfully report as follows: That Senate Bill No. 25 be concurred in.

JOFFRAY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Memorial No. 2, respectfully report as follows: That House Memorial No. 2 do pass.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 142, respectfully report as follows: That House Bill No. 142 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 145, respectfully report as follows: That House Bill No. 145 do pass.

MILLER (Big Horn), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 144, respectfully report as follows: That House Bill No. 144 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 9, respectfully report as follows: That House Bill No. 9

Title be amended to read as follows: A Bill for an Act entitled: "An Act to amend Section 2231, Revised Codes of Montana, 1935, relating to assessment and sale of real estate for taxes."

That Section 1 be amended as follows: Section 1. That Section 2231, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: "Section 2231. Assessment of property purchased by county and adjournment of sale thereof. In case property assessed for taxes is purchased by the county, or otherwise, pursuant to provisions of Section 2191 of this code, it must be assessed for taxes the next year in the same manner as if it had not been so purchased.

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 2, respectfully report as follows: That House Bill No. 2 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 27, respectfully report as follows: That Senate Bill No. 27 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Election, having had under consideration House Bill No. 111, respectfully report as follows: That House Bill No. 111 be referred to the Committee on Education.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 153, respectfully report as follows: That House Bill No. 153 do pass.

STORTZ, Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Brennan, duly seconded and carried, that House Bill No. 77 be taken from the Committee on Printing and returned to the Committee on Employment for amendment.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriations measures having been read at length:

House Bill No. 153, introduced by Committee on Social Security: A Bill for an Act entitled: "An Act providing for the levying of taxes by the several counties for Old Age Assistance; prescribing the method of payment of such Old Age Assistance by the State Old Age Pension Commission; providing for the reimbursement by the several counties to the State Old Age Pension Commission of payment so made; providing for adequate records and accounts in relation to such payments and their allowance, and repealing Sections 335.24, 335.25, 335.26 and 335.27 of the Revised Codes of Montana of 1935 and all other Acts or parts of Acts in conflict herewith." Referred to the Committee on Social Security.

House Bill No. 154, introduced by Committee on Social Security: A Bill for an Act entitled: "An Act extending to December 31, 1939 the period of the public works emergency relief program authorized by Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of 1933-1934 continued in effect to June 1, 1937, by Chapter 135, Session Laws of 1935 and repealing all Acts in conflict herewith." Referred to the Committee on Social Security.

House Bill No. 155, introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to repeal Section 17 of Chapter 141 of the Twenty-fourth Legislative Assembly of Montana of 1935 entitled: "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue bonds for financing such undertakings; and providing for the payment of holders thereof," removing the time limit within which municipalities may borrow money or deliver bonds pursuant to said Act." Referred to the Committee on Revenue and Taxation.

House Bill No. 156, introduced by Schneider, Parker, Peterson (Sheridan), Tyler: A Bill for an Act entitled: "An Act providing uniform transportation services for all public school pupils residing three or more miles from an open public school; defining "transportation" for the purpose of this Act so as to include services furnished in lieu of transportation; providing that School Boards may operate buses and contract for "transportation" of pupils; providing that school boards may close schools and transport pupils to another school and providing that School Boards shall pay for its pupils attending school in another district; providing that no school money shall be expended for "transportation" except to persons or firms holding legal contracts for the same; providing requirements as to buses, drivers, and the operation of buses; fixing a schedule for individual "transportation"; providing that any child attending other than a public school may ride on a public school bus; designating who is eligible to receive "transportation" from school districts; providing for the measurement of transportation distances in dispute and the settlement of transportation matters in controversy; appropriating from the Public School General Fund a sum not to exceed \$12,500 annually to furnish a program of correspondence and home study so as to relieve districts of the necessity of furnishing transportation where the furnishing of such is impractical and amending Section 1200.1 of the Revised Codes of Montana for 1935, so as to provide for such appropriation; amending Section 1200.9 of the Revised Codes of Montana for 1935, relating to the apportioning of moneys in the Public School General Fund so as to provide funds for such program; and repealing Section 1010 of the Revised Codes of Montana for 1935." Referred to the Committee on Appropriations.

## MOTIONS AND RESOLUTIONS

It was moved by Stortz, duly seconded and carried, that House Bill No. 153 be considered correctly printed and placed at the head of the list on General Orders.

It was moved by Longenecker, duly seconded and carried, that House Memorial No. 2 be considered correctly printed and placed on General Orders.

### THIRD READING

The following bill, having been read three several times, history and title agreed to, was disposed of as follows:

House Bill No. 83 was defeated by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cusick, DeDobbeleer, Eggenberger, Finnegan, Freshman, Goodwin, Hardcastle, Hess, Lambert, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mu'holland, Nelson, O'Shea, Parker, Peterson (Pondera), Ruffcorn, Schneider, Scott, Spiegel, Stimatz, Stortz, Tyler, Vanek, Whaley, Mr. Speaker. Total 43.

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Brennan, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Elliott, Green, Hamilton, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Levissee, Lippard, Love, Lovell, Manning, Metlen, Miles, Miller (Big Horn), Minette, Mungas, O'Connor, Phelan, Reed, Scofield, Shanley, Sherman, Sorte, Stromnes, Toomey, Trandum, Wood. Total 50.

Absent and not voting: Chatham, Haight, Lemmer, Padbury, Peterson (Sheridan), Smith, Wenger, Waldrop. Total 8.

Passed their vote: Longenecker. Total 1.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Holecek in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend:

That House Bill No. 153 do pass.

That House Memorial No. 2 do pass.

That Senate Bill No. 27 be concurred in.

That consideration of Senate Bill No. 1 be passed for the day.

That Senate Bill No. 25 be concurred in.

HOLECEK, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Tuesday morning, February 2nd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### THIRTIETH DAY

House of Representatives,  
Helena, Montana  
February 2, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.



On roll call all members present except the following who were excused: Padbury.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Twenty-ninth Legislative Day find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Engrossing, report the following bills correctly engrossed: House Bills Nos. 114, 115, 119, 97, 93, 1, and House Joint Memorial No. 4.

HESS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Printing, report the following bills correctly printed: House Bills Nos. 79, 72, 122, 123, 70, 98, 109, 153 and substitutes for House Bill 47 and 95.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, having had under consideration House Bill No. 77 respectfully report as follows: That House Bill No. 77 be amended as follows:

On Lines twelve and fourteen of Section 1, strike out the words "One Third Assistant Sergeant at Arms";

On Line fourteen of Section 1, strike out the words "One Statistician";

On Line twenty-one of Section 1, strike out the words "six Janitors" and insert in lieu thereof "three assistant Janitors";

In Lines twenty-one and twenty-two of Section 1, strike out the words "six doorkeepers" and insert in lieu thereof "three doorkeepers".

In line twenty-two of Section 1, strike out the words "six watchmen" and insert in lieu thereof "three watchmen".

In Line twenty-two of Section 1, strike out the words "seven pages" and insert in lieu thereof "five pages."

In Line twenty-three of Section 1, strike out the words "two assistant law Clerks" and insert in lieu thereof "one assistant law Clerk."

In Line twenty-six of Section 1, strike out the words "one hundred" and insert in lieu thereof, the word "eighty".

In Line thirty of Section 3, strike out the words passage and approval and insert in lieu thereof, the words "May 1, 1937"; and as amended do pass.

BRENNAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Conservation of Resources, having had under consideration, House Bill No. 52, respectfully report as follows:

That House Bill No. 52 do not pass.

CHATHAM, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 154, respectfully report as follows:

That House Bill No. 154 do pass.

STORTZ, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 26, 127, 121, 75 and 153.

PETERSON of Pondera, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 6, 32, 44 and 49.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 22 be passed for the day.

It was moved by Joffray, duly seconded, that the House reconsider its action on House Bill No. 83.

On substitute motion, it was moved by O'Connor, duly seconded, that the motion made by Joffray be laid on the table. A roll call was demanded by the required number and the motion was lost by the following vote: Ayes: 46; noes: 51; absent: 2; pass: 1; paired: 2.

Whereupon motion by Joffray was put, a roll call was demanded by the required number and the motion was carried by the following vote: Ayes 51, noes 47, passed 2, paired 2.

It was moved by Haight, duly seconded, that in case of pairs each member pairing shall state whether he is paired for or against a bill. Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by Chamberlain, duly seconded and carried, that Senate Bill No. 1 be taken from General Orders and referred to the Committee on Revenue and Taxation.

It was moved by Stortz, duly seconded and carried, that House Bill No. 153 be considered correctly engrossed and placed on the calendar for Third Reading.

**RULING BY THE SPEAKER:** O'Shea requested that he be released from the pairing on House Bill No. 83, and the Speaker was asked to rule as to whether or not he could be released. The Speaker ruled that there could be no release on the pairing of a vote after same had been turned in, and had the Clerk read from a ruling made by the House of Representatives, August 27, 1918, as follows: "The House does not consider questions arising out of the breaking of a pair or permit a Member to vote after the call on the plea that he had refrained because of misunderstanding as to a pair."

### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following Bills and Resolution correctly enrolled: House Bills Nos. 65 and 66 and House Joint Resolution No. 2.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Joint Resolution No. 2, introduced by me and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 65, introduced by me and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 66, introduced by me and find the same to be correct.

TOOMEY.

### MOTIONS AND RESOLUTIONS

It was moved by Longenecker, duly seconded and carried, that House Memorial No. 2 be considered correctly engrossed and placed on Third Reading.

The Speaker signed the following in Open Session: House Bill No. 65, House Bill No. 66 and House Joint Resolution No. 2.

### MOTIONS AND RESOLUTIONS

The following Resolution, House Resolution No. 5, was introduced by the Appropriation Committee:

**A RESOLUTION ENTITLED:** A Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration and affairs of the Montana Soldiers' Home at Columbia Falls, Montana, connected therewith or related thereto, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House.

**BE IT RESOLVED** by the House of Representatives of the State of Montana:

**WHEREAS:** It is made prima facie to appear that the twenty-fifth (25) Legislative Assembly should investigate the administration of the Montana Soldiers' Home at Columbia Falls, Montana, in justice to the people of the State and the persons at said home.

**BE IT RESOLVED** by the House of the twenty-fifth (25) Legislative Assembly, that a committee composed of three members of the House be appointed by the Speaker of the House, to make and conduct such investigation as it may deem advisable within the purview hereof, for the determination of the true facts relative to the administration of the said Soldiers' Home and affairs, business, actions, etc., and to recommend the passage of such Acts by the Legislative Assembly as may be beneficial to such administration, and

**BE IT FURTHER RESOLVED**, That said committee shall organize and be given all necessary facilities of the House as to rooms, equipment, clerical and other assistants; said Committee shall keep a record of its proceedings and render to the House a full report of its findings and recommendations at such time as it may deem proper, and shall not later than the forty-fifth legislative day submit its final report, and

**BE IT FURTHER RESOLVED**, That said Committee be authorized and empowered to require the attendance of any and all witnesses necessary to the performance of its duty and said Committee is authorized and empowered through its chairman, to issue subpoenas to require the attendance of any persons to testify, under oath, and to procure for examination by said Committee any books, papers and other documentary evidence of any nature or character under the control of such person or persons, and said Committee is authorized and empowered to require the sheriff of any county of the State of Montana to serve subpoenas issued by it; and said Committee shall be authorized to employ necessary aid in ascertaining the facts desired and to incur such expenses as may be necessary to properly make such investigation; and

BE IT FURTHER RESOLVED, That all items of expense be returned by said Committee with its report, and that the Sergeant-at-Arms of the House be, and he is hereby instructed and authorized to pay any and all sums necessarily incurred by said Committee upon the presentation to him of a proper voucher signed by the chairman of said Committee and the Speaker of the House.

It was moved by Manning, duly seconded and carried, that House Resolution No. 5 be adopted.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees:

Senate Bill No. 6, introduced by Foor: A Bill for an Act entitled: "An Act to amend Sections 3321, 3322 and 3323 of the Revised Codes of Montana of 1935, relating to the inspection of cattle to be removed from State; Duties of Stock Inspector, and penalties for the violation of this Act." Referred to Committee on Livestock and Public Ranges.

Senate Bill No. 32, introduced by Foor: "A Bill for an Act to establish an unpaid Commission of intergovernmental cooperation." Referred to Committee on Federal Relations.

Senate Bill No. 44, introduced by Baker of Dawson: A Bill for an Act entitled: "An Act to amend Section 5245 of the Revised Codes of the State of Montana of 1935, relating to interest on assessments in special improvement Districts and fixing the rate of interest at not to exceed six per cent per annum." Referred to Committee on Judiciary.

Senate Bill No. 49, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 10088, of the Revised Codes of Montana of 1935, relating to bond of Administrators and Executors, form and requirement of." Referred to Committee on Judiciary.

House Bill No. 157, introduced by Johnson: A Bill for an Act entitled: "An Act in relation to arson and the burning of property to defraud an Insurer and to repeal Sections 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345 and 11426 of the Revised Codes of Montana of 1921." Referred to Committee on Insurance.

House Bill No. 158, introduced by Peterson of Pondera: A Bill for an Act entitled: "An Act to amend Sections 3847.2, 3847.3, 3847.11 and 3847.27 of Chapter 310 of the Revised Codes of Montana 1935, relating to supervision, regulation and control of the use of the Public Highways of the State of Montana by motor vehicles engaged in the transportation by motor vehicles of persons and property upon the Public Highways of Montana, and adding to said Chapter 310 New and additional Sections to be designated and numbered Section 3847.10½ and 3847.29; providing for the licensing of persons and Corporations operating motor vehicles for distributing, delivering and collecting wares, merchandise and commodities sold and to be sold by them; providing an additional license tax upon all motor Carriers subject to the provisions of this Act, and appropriating the moneys collected to be used in the enforcement of the Act; providing for distinctive plate numbers on motor carriers operating motor vehicles under this Act; and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

House Bill No. 159, introduced by Spiegel: A Bill for an Act entitled: "An Act to amend Section 2343.1 and Section 2343.3 of Chapter 210 of the Revised Codes of Montana, 1935, relating to electrical energy Producers' license tax and the distribution of said tax." Referred to Committee on Revenue and Taxation.



House Bill No. 160, introduced by Stimatz: A Bill for an Act entitled: "An Act for the prevention of frauds in connection with the voting franchise, to prevent electors from registering in more than one precinct; to prevent voting on another elector's name; to prevent repetition of voting on election day; that is, to prevent one person from voting more than once; to prevent the stuffing of ballot boxes; to prevent slush funds being raised for the purpose of defrauding the objects and purposes of the honest electors, and providing for the arrest and conviction of any and all persons violating any provision of this Act: to register voters by photographing the elector for the purpose of identification as a bona fide elector and the enacting of Rules and Regulations for the proper administration of this Act; to enact all necessary laws for the purpose of positive identification of the elector on presentation of himself to cast his or her ballots; to modify and amend all of the Acts and Parts of Acts now in force in conformity herewith, and to repeal all of the Laws in conflict herewith, providing that prospective election Judges and Clerks be schooled in their duties before each election, and the manner of selecting election Judges and Clerks to empower county Clerks to settle all complaints of Checkers or Electors as to any irregularities on the part of the Judges and Clerks of Election, and the same then and there to be settled in conformity with the provisions of this Act; providing that the names of all candidates and all initiative, referendum and constitutional amendment measures be placed on one ballot for general elections; and providing that the Judicial Primary Ballot be placed on all Party ballots in Primary Election but set apart under separate heading; authorizing County Clerks summarily to remove and arrest election Judges and Clerks in certain cases and prescribing the manner of conducting such Election Judges' and Clerks' duties thereafter; and to amend Sections 104, 553, 555, 557, 558, 559, 560, 561, 562, 566, 569, 575, 580, 583, 585, 587, 588, 589, 591, 592, 594, 595, 596, 604, 606, 607, 608, 610, 716, 717, 774, 775, 776, 778, 785, 786, 790, 791, 793, 812.6, 812.12 and 10768 of the Revised Codes of Montana 1935; and to repeal Sections 556, 563, 564, 565, 567, 568, 570, 571, 572, 573, 574, 576, 578, 579, 593, 597, 599, 601, 605, 611, 783, 784, 792, 812.7 and 812.8 of the Revised Codes of Montana 1935; providing penalties for violation of this Act and repealing all Acts or Parts of Acts in conflict herewith." Referred to Committee on Privileges and Elections.

House Bill No. 161, introduced by Monahan and others: A Bill for an Act entitled: "An Act to regulate the caravanning of motor vehicles upon the public Highways of the State of Montana: defining the term "caravanning"; providing for the granting of certificates for motor vehicles in caravans and fixing the fee thereof: defining the duties of the Board of Railroad Commissioners of the State of Montana in regard thereto: providing for the filing of verified statements with the Board of Railroad Commissioners by every Holder of a certificate or certificates issued under the provisions of this Act: providing for the disposition and disbursement of the fees collected under this Act and penalties for violation of this Act." Referred to Committee on Highways and Highway Transportation.

House Bill No. 162, introduced by Committee on Townships and Counties: A Bill for an Act entitled: "An Act to amend Section 4867 of the Revised Codes of Montana of 1935, relating to the salaries of Sheriffs of the Sixth and Seventh Class Counties." Referred to Committee on Townships and Counties.

House Bill No. 163, introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to provide the several Justices of the Peace with the necessary books, blanks, office quarters and supplies as shall be deemed necessary by the Board of County Commissioners." Referred to Committee on Judiciary.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 25 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 96.

Noes: None.

Absent and not voting: Elliott, Masterson, Metlen, Padbury, Stortz, Stromnes. Total 6.

Senate Bill No. 27 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: D'Ewart, Haight, Kelson, Lippard, Longenecker, Lovell, Miller (Big Horn), Toomey. Total 8.

Absent and not voting: Masterson, Metlen, Padbury. Total 3.

House Bill No. 114 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Manning, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 92.

Noes: Lambert, McLeod, Mackie, Metcalf, Stimatz. Total 5.

Absent and not voting: Joffray, Metlen, Miles, Minette, Padbury. Total 5.

House Bill No. 115 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 90.

Noes: D'Ewart, Hoiness, Kelson, Lambert, Lasby, Lovell. Total 6.

Absent and not voting: Green, Joffray, Metlen, Mitchell, Padbury, Reed. Total 6.

House Bill No. 119 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Miller (Roosevelt), Minette, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 77.

Noes: Anderson (Lincoln), Haight, Hoiness, Holecek, Kelson, Lasby, Lippard, Longenecker, Love, Measure, Metcalf, Miles, Miller (Big Horn), Mitchell, Monahan, O'Shea, Phelan, Scofield, Sherman, Vanek. Total 20.

Absent and not voting: Brennan, Green, Metlen, Padbury, Reed. Total 5.

House Bill No. 97 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 96.

Noes: None.

Absent and not voting: Green, Longenecker, Metlen, Minette, Padbury, Reed. Total 6.

House Joint Memorial No. 4 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Camp-



bell, Chamberlain, Cohen, Cusick, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Hardcastle, Hess, Holecek, Kruse, Lambert, Leeson, Lehrkind, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Wenger, Whaley, Mr. Speaker. Total 56.

Noes: Acher, Anderson (Phillips), Chatham, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Haight, Hamilton, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Johnson, Kelson, Lasby, Lemmer, Levissee, Lippard, Love, Manning, Miller (Roosevelt), Miller (Big Horn), Minette, Mungas, O'Shea, Parker, Peterson (Pondera), Scofield, Smith, Sorte, Toomey, Tyler, Vanek, Wood. Total 38.

Passed their vote: Waldrop. Total 1.

Absent and not voting: Eggenberger, Green, Joffray, Longenecker, Metlen, Padbury, Reed. Total 7.

House Bill No. 153 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: Longenecker. Total 1.

Passed their vote: Stimatz. Total 1.

Absent and not voting: Green, Holecek, Metlen, Minette, Padbury, Reed, Smith, Stromnes, Waldrop. Total 9.

House Memorial No. 2 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: Anderson (Silver Bow), Haight, Lehrkind. Total 3.

Absent and not voting: Bloom, Green, Holecek, Joffray, Metlen, Padbury, Reed, Stromnes. Total 3.

## MOTIONS AND RESOLUTIONS

It was moved by Toomey, duly seconded and carried, that House Bill No. 83 be taken from Third Reading and placed on General Orders.



It was moved by Spiegel, duly seconded and carried, that House Bills Nos. 122 and 123 be taken from General Orders and referred back to the Committee on Judiciary.

It was moved by Spiegel, duly seconded and carried, that House Bills Nos. 79, 72, 70, 109, 98 and Substitute House Bills 47 and 95, be placed on General Orders for the Afternoon Session.

The Speaker announced the Conference Committee to act with a like Committee from the Senate on House Bill No. 37 as follows: Minette, McClain and Hoiness.

The Speaker announced the Committee to investigate the Administration and Affairs of the Montana Soldiers' Home at Columbia Falls, Montana, under House Resolution No. 5 as follows: Cusick, Brayman, Lovell.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following:

By Committee on Labor, Mulholland, Chairman: A Bill for an Act entitled: "An Act to establish a minimum wage Commission, and provide for the determination and establishments of minimum wages for women and minors; to declare Public Policy; to provide for penalties for violation thereof and repealing all Acts in conflict herewith."

By Haight, Holecek, Vanek, Mackie: A Bill for an Act entitled: "An Act to amend Section 9467 of the Revised Codes of Montana of 1935, relating to proceedings in foreclosure suits, and providing that upon the foreclosure of any real estate mortgage executed after the passage and approval of this Act, no judgment shall be allowed of docketed, nor any execution be issued, against the defendant or defendants, or judgment debtor or debtors, for any balance after sale of the property covered by any such mortgage, and repealing all Acts and Parts of Acts in conflict herewith.

### REPORTS OF STANDING COMMITTEES

The Committee on Printing, reported House Bills Nos. 130, 126, 67, 56, 55, 88 and 116 correctly printed.

WOOD, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 6 respectfully report as follows: That Senate Bill No. 6 be amended as follows:

By striking out in Section 1, line 17, the word "or" after the word "steer" and insert after the word "calf", the words "horse or mule"; and as amended be concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 102, respectfully report as follows: That House Bill No. 102 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 10 respectfully report as follows: That House Bill No. 10 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 20 respectfully report as follows: That Senate Bill No. 20 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 26, respectfully report as follows: That Senate Bill No. 26 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 101 respectfully report as follows: That House Bill No. 101 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, the Majority of your Committee on Judiciary, having had under consideration House Bill No. 76, respectfully report as follows: That House Bill No. 76 do not pass.

RUFFCORN,  
O'CONNOR,  
METCALF,  
HAIGHT,  
HEAVLIN.

Mr. Speaker: We, the Minority of your Committee on Judiciary, having had under consideration House Bill No. 76, respectfully report as follows: That House Bill No. 76 do pass.

SMITH,  
STROMNES.

It was moved by O'Connor, duly seconded, that the Majority Report on House Bill No. 76 be adopted.

On substitute motion, it was moved by Smith, duly seconded, that the Minority Report on House Bill No. 76 be adopted. Motion was lost.

Whereupon motion to adopt Majority report was put and carried.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 73, entitled:

"An Act providing for the submission to the qualified Electors of the State of Montana amendments to Section 1-2-3-4-5-6-7-8-9-10-11-12-13-14-16-19-21-24-27-28-32-40-41-45, of Article V. of the Constitution of Montana, relating to the Legislative authority of the State of Montana, and providing that beginning with the regular Session of Legislature in 1941, the Legislative authority of the State of Montana shall be vested in a Legislature consisting of one House of not more than eighty members, but with at least one member from each and every County, and providing for the election of said members of the Legislature, their term of Office, Salaries, powers, duties and the Sessions of said Legislature; and, providing further, that all provisions in the Constitution and Laws of the State relating to the Legislature, Senate, House of Representatives and the Joint Sessions thereof, to mean, in so far as applicable, said Legislature of one House; and, providing for the repeal of Sections 3-4-5 and 6 of Article Six of the Constitution of the State of Montana and providing for the repeal of all Acts or parts

of Acts and Constitutional Provisions in conflict herewith", respectfully report as follows:

That House Bill No. 73 be amended as follows:

Amend Section 2, line 27, by striking out the comma after the word "laws" and insert after said word the following, "and amendments to the Constitution."

Amend Section 6, line 4, by striking out the words "ten Dollars per day", strike out all of line 5, and insert in lieu thereof, the words and figures as follows: "One thousand dollars (\$1000.00) for the period of two (2) years, payable in such manner and at such times as shall be prescribed by law." And insert the following sentence after the word "route" in line eight of Section 6: "When the members of the Legislature sit as a body for impeachment proceedings, their compensation shall be the sum of Ten Dollars (\$10.00) per day, payable as provided by law and the actual traveling expenses necessarily incurred in attending such proceedings."

Amend Section 6 by striking out all of lines twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) and eighteen (18).

Amend Section 7, by striking out in line twenty-six (26) after the word "of", the following: "each and every succeeding" and insert in lieu thereof the following: "January of each alternate", and by striking out in line twenty-nine (29) the words "a legislative session" and all of lines thirty (30), thirty-one (31), thirty-two (32) and all of lines one (1) and two (2) of page nine (9).

Amend Section ten by striking out all of lines twenty-seven (27) to thirty-three (33), inclusive of page nine (9) and all of lines one (1) to eleven (11), inclusive of page ten (10). And as amended do pass.

MEASURE, Chairman.

Report adopted.

## INTRODUCTION OF BILLS

The following were introduced, read first and second time and referred to Committees:

House Bill No. 164, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Chapter 299 of the Revised Codes of Montana, 1935, relating to quartz mining, by adding to said Chapter two new Sections to be known as Section 3433.1 and Section 3433.2; providing for the erection, maintenance and equipment of fire proof wash houses; providing for liability for loss by fire in certain cases; providing a penalty for malicious injury or destruction of said building or its contents, or for failure to provide said building within a reasonable time." Referred to Committee on Labor.

House Bill No. 165, introduced by Holecek and Levissee: A Bill for an Act entitled: "An Act to amend Sections 2815.61, 2815.65, 2815.66, 2815.67, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana, and the membership of the Montana Liquor Control Board and transferring the Administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; defining terms, defining functions, powers and duties of such Board; creating the Office of State Liquor Administration and Assistant State Liquor Administrator and prescribing the salaries, powers and duties of such Officers; defining "nuisance", and providing for the abatement of same, repealing Section 2815.52 of the Revised Codes of Montana 1935. Referred to Committee on Revenue and Taxation.

House Memorial No. 3 introduced by Committee on Public Utilities and State Commissions: A Memorial memorializing the President of the United States, the Senators and Congressmen of the State of Montana, and the Governor of the State of Montana, urging them to work for the incorporation of facilities for the generation of electric power in water conservation projects. Referred to Committee on Public Utilities.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 93 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Day, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Levissee, Lipard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wal-drop, Wenger, Whaley, Wood, Mr. Speaker. Total 97.

Noes: None.

Absent and not voting: Kelson, Kruse, Lemmer, Padbury, Smith. Total 5.

House Bill No. 1, introduced by Masterson, being a constitutional amendment, and having been read three several times, was passed by the necessary two-thirds vote of the entire membership of the House as required by Section 9, of Article 19 of the State Constitution, and in compliance with the provisions thereof, the bill is set forth in its entirety as follows: A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana, an amendment to Section 2, Article 12, of the Constitution of the State of Montana, relating to the exemption of property from taxation and authorizing the Legislature to exempt property used for residential purposes, in an amount of not to exceed \$2500.00 of the value thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, of Article 12, of the Constitution of the State of Montana be amended as is hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2, of Article 12, of the Constitution of the State of Montana, be, and the same is hereby amended to read as follows:

Section 2. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries shall be exempt from taxation; and such other property as may be used exclusively for the agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, institutions of purely public charity, and evidences of debt secured by mortgages of record upon real and personal property in the State of Montana may be exempt from taxation and the Legislature of the State of Montana, is hereby authorized to exempt homes and homesteads actually used and occupied by the owner thereof in a sum not to exceed \$2500.00.



Section 2. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by section 678 of the Revised Codes of Montana of 1921, and as provided by law, and shall be voted on at the general election to be held in November 1938; and the principal ballot to be used at said election shall have printed thereon the words:

For an amendment to the Constitution relating to the exemption of property from taxation and authorizing the Legislature to exempt homes owned and used for that purpose in a sum of not to exceed \$2500.00.

Against an amendment to the Constitution relating to the exemption of property from taxation and authorizing the Legislature to exempt homes owned and used for that purpose in a sum of not to exceed \$2500.00.

The elector shall designate his preference for either of the propositions by making an "X" before the proposition desired.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the Governor of the State shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Section 5. This Act shall be in full force and effect from and after its passage and approval."

House Bill No. 1 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardecastle, Hedden, Hess, Hoiness, Holecck, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Levisee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: Crouse, D'Ewart, Heavlin, Lehrkind, Love, Metlen, Miles, Miller (Big Horn), Minette, Mungas. Total 10.

Absent and not voting: Dougherty, Haugan, Joffray, Lemmer, Manning, Metcalf, Padbury. Total 7.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for Consideration of General Orders and that all bills be read by title, history and Section number only, unless otherwise requested.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (All amendments referring to the printed bill.)

That House Bill No. 89 be amended as follows: Amend after the title by striking out all the preamble lines 1 to 30 inclusive; Amend Section 1 by striking the following words after the word "Exist." "In view of the situation hereinbefore set forth," and capitalizing the word "the" before the word "Legislature" in line 2; and as amended, do pass.

That House Bill No. 79 do pass.

That the enacting clause be stricken from House Bill No. 72.

That Substitute House Bill No. 47 do pass.

That Substitute House Bill No. 95 do pass.

That House Bill No. 70 do pass.

That House Bill No. 109 be amended as follows: Amend after the title by striking the lines 1 to 15 inclusive and the words "Now Therefore," in Line 16; and as amended do pass.

That House Bill No. 98 be amended as follows: Amend the title by changing the word "Section" to "Sections" in line 1 and strike out after the figures "135" all of the words up to and including the word "Sections" in lines 3 and 4; and as amended do pass.

That consideration of House Bill No. 83 be passed for the day.

It was moved by Metlen, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion, it was moved by Spiegel, duly seconded, that House Bill No. 72 be segregated from the Report of the Committee of the Whole. A roll call was demanded and it was also requested that same be entered on the Journal, by the required number.

A call of the House was demanded by the required number. On motion of Spiegel, duly seconded and carried, further call of the House was dispensed with.

Whereupon motion by Spiegel was lost by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, Finnegan, Hess, Lambert, Lasby, Leeson, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Stortz, Whaley, Mr. Speaker. Total 45.

Noes: Acher, Anderson (Phillips), Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lehrkind, Levisse, Lippard, Longenecker, Love, Manning, Metcalf, Metlen, Miller (Big Horn), Minette, Mitchell, Reed, Scofield, Shanley, Sherman, Smith, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood. Total 52.

Passed their vote: Kelson, Mungas. Total 2.

Absent and not voting: Lemmer, Padbury, Peterson (Sheridan). Total 3.

Whereupon motion to adopt report of the Committee of the Whole was put and carried.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Wednesday morning, February 3rd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## THIRTY-FIRST DAY

House of Representatives,  
Helena, Montana  
February 3rd, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: DeDobbeleer and Padbury.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirtieth Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice, that they would on tomorrow or some subsequent day, introduce the following:

By Committee on Labor, Mulholland, Chairman: "An Act providing for the greater security for the payment of wages and salaries of employees of persons, associations of persons or corporations engaged in the business of mining and/or reducing and refining for market, metals or minerals including coal, oil, gas and any other metallic or non-metallic deposits in the State of Montana; defining terms used in this Act; providing for the licensing of employers in such business by the Department of Agriculture, Labor and Industry, and empowering said Department to enforce the provisions of this Act; providing for deposits by employers to secure the payment of wages and salaries; providing a payroll tax to maintain a fund for the purpose of defraying the expense of administering this Act; providing penalties for violations of the provisions of this Act; providing that the powers of this Act vested in the Department of Agriculture, Labor and Industry and the duties imposed upon said department shall, in the event of the creation of a Department and/or Commission of Labor, pass to such Department or Commissioner of Labor as the case may be; and making other provisions incidental to the general purpose of this Act and repealing all Acts or parts of Acts in conflict herewith."

By Lovell and Hoiness: A Bill for an Act entitled: "An Act providing for the regulation of aeronautics within the State of Montana; providing for uniformity with Federal Laws regulating aeronautics and creating the State Aeronautics Commission; providing for the appointment of members thereof; defining the powers and duties of such commission, and providing for the promulgation and issuance of rules and regulations by such Commission."

By Lehrkind and Levissee: A Bill for an Act entitled: "An Act providing for the enforcement of laws regulating aeronautics, licenses for aircraft, airmen and air traffic rules by the Highway Patrol: Providing for a member of the Highway Patrol to act as Aeronautical Inspector: and providing for investigations and hearings in cases of air accidents."

By Chamberlain, Anderson (Chouteau), DeDobbeleer, Peterson (Pondera): A Bill for an Act entitled: "An Act to amend Section 2169.2, of the Revised Codes of Montana, 1935, relating to the time for payment and method of collecting taxes and the interest and penalty thereon."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, the Majority of your Committee on Townships and Counties, having had under consideration House Bill No. 162, respectfully report as follows: That House Bill No. 162 do not pass.

KELSON,  
LONGENECKER,  
SHERMAN,  
ANDERSON (Chouteau),  
McKENNA,  
ANDERSON (Lincoln),  
BRAYMAN,  
NELSON,  
HESS.

Mr. Speaker: We, the Minority of your Committee on Townships and Counties, having had under consideration House Bill No. 162, respectfully report as follows: That House Bill No. 162 do pass.

STROMNES,  
MACKIE,  
LEESON,  
REED,  
CRUICKSHANK.

It was moved by Anderson (Chouteau), duly seconded that the report of the Majority be adopted.

On substitute motion, it was moved by Stromnes, duly seconded and carried, that the Minority report be adopted. Whereupon motion by Anderson was lost.

The Committee on Printing reported the following Bills correctly printed: House Bills Nos. 69, 108, 112 and 128.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following Bills correctly engrossed: House Bills Nos. 70 and 79 and Substitute House Bills Nos. 47 and 95.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, having had under consideration Senate Bill No. 36, respectfully report as follows: That Senate Bill No. 36, be amended as follows:

"Section 2. That Section 76 of the Revised Codes of Montana of 1935, and Chapter 6 of the Acts of the Twenty-Fourth Legislative Assembly of Montana of 1935, be amended to read as follows: 'Section 76. Compensation of other Officers and Employees. The compensation designated herein shall be paid to the following officers and employees of the legislative assembly: The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house, the senate law clerk and the house of representatives law clerk, ten dollars (\$10.00) per day each;

The assistant secretary of the senate, the assistant chief clerk of the house of representatives, the journal clerk, the enrolling clerk, the engrossing clerk, the bill clerk, the assistant sergeants-at-arms of the senate, the first assistant sergeant-at-arms of the house of representatives, the second assistant sergeant-at-arms of the house of representatives, eight dollars (\$8.00) per day each;

The assistant senate law clerk and the assistant house of representatives law clerk (in case such assistants are employed) seven dollars (\$7.00) per day each;



The assistant journal clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant bill clerk, the printing clerk, the reading clerk, the clerk to the sergeant-at-arms and the mailing clerk of the senate, the clerk to the chief clerk of the house of representatives, the clerk to the secretary of the senate, the secretary to the President of the Senate, the head janitor of the house of representatives, the payroll clerk of the house of representatives, the secretary to the Speaker of the house of representatives, the mailing and filing clerk of the house of representatives, the secretary to the house of representatives judiciary committee, the secretary to the house of representatives appropriations committee, six dollars (\$6.00) per day each;

The chaplain, committee clerks, stenographers, typists, proofreaders, doorkeepers, janitors, assistant janitors and watchmen of each house, the telephone operators of the house of representatives, the elevator operators of the house of representatives, five (\$5.00) per day each;

Pages, four dollars (\$4.00) per day each; all other employees of the legislative assembly not herein specifically enumerated, five dollars (\$5.00) per day each.

The salaries herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any of said officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee."

That Sections 1, 3 and 4 of Senate Bill No. 36 be passed without change.

And as amended be concurred in.

BRENNAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration House Bill No. 85, respectfully report as follows: That House Bill No. 85 do pass.

IJAMS, Chairman.

Report adopted.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised that he had this day approved House Bill No. 33.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills No. 5, 24 and 45.

The following House Bill was this day recommended for non-concurrence in the Senate, report adopted, and bill is herewith returned to the House: House Bill No. 15.

The following House Joint Memorial was this day read third time and concurred in, title agreed to, and same is herewith returned to the House: House Joint Memorial No. 2.

The following House Bill was this day recommended for non-concurrence in the Senate, report adopted, and bill is herewith returned to the House: House Bill No. 63.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

Senate Bill No. 5, introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 1200.4 of the Revised Codes of Montana of 1935, creating a State Public School General Fund and providing for the disposal of school moneys." Referred to the Committee on Education.

Senate Bill No. 24, introduced by Montgomery, Campbell and Meyer: A Bill for an Act entitled: "An Act relating to photography; defining and regulating the practice thereof, and providing a license therefor, and creating a Board of Examiners in Photography." Referred to the Committee on State Boards and Offices.

Senate Bill No. 45, introduced by Baker (Dawson): A Bill for an Act entitled: "An Act to amend Section 5349 of the Revised Codes of the State of Montana, 1935, relating to the form of bonds and warrants and the rate of interest on bonds and warrants and fixing the rate at not to exceed six per cent per annum." Referred to the Committee on Judiciary.

House Bill No. 166, introduced by Committee on Townships and Counties: A Bill for an Act entitled: "An Act relating to contracts for public printing, fixing the prices therefor, and providing for a penalty for violation of the provisions of this Act: and repealing Section 4482, Revised Codes of Montana, 1935." Referred to the Committee on Townships and Counties.

House Bill No. 167, introduced by Schneider: A Bill for an Act entitled: "An Act to amend Section 950.1 of the Revised Codes of Montana, 1935, relating to the qualifications for the County Superintendent of Schools." Referred to the Committee on Education.

House Bill No. 168, introduced by Committee on Appropriations, by unanimous consent without previous notice: A Bill for an Act entitled: "An Act to appropriate money for the operation and maintenance and other purposes as designated herein for the several units of the Greater University of Montana known as the State University, Agricultural College, Experiment Station and Substations, Extension Service, School of Mines, State Normal College, Eastern Montana Normal School and Northern Montana College and for student fare refunds for the period beginning July 1, 1937 and ending June 30, 1939." Referred to the Committee on Appropriations.

House Bill No. 169, introduced by Haight, Holecek, Vanek and Mackie: A Bill for an Act entitled: "An Act to amend Section 9467 of the Revised Codes of Montana of 1935, relating to proceedings in foreclosure suits, and providing that upon the foreclosure of any real estate mortgage executed after the passage and approval of this Act, no judgment shall be allowed or docketed, nor any execution be issued, against the defendant or defendants, or judgment debtor or debtors, for any balance after sale of the property covered by any such mortgage, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

## THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 26 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Wenger, Whaley, Mr. Speaker. Total 85.

Noes: Acher, D'Ewart, Heavlin, Kelson, Lovell, Metlen, Miller (Big Horn), Mungas, Toomey, Wood. Total 10.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Padbury, Stromnes, Waldrop. Total 7.

House Bill No. 127 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Wenger, Whaley, Wood, Mr. Speaker. Total 89.

Noes: Kelson, Smith, Stimatz and Toomey. Total 4.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Padbury, Peterson (Pondera), Stromnes, Vanek, Waldrop. Total 9.

House Bill No. 121 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 94.

Noes: None.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Finnegan, Holecek, Joffray, Padbury, Waldrop. Total 8.

House Bill No. 75 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner,

Crouse, Cruickshank, Cusick, Daly, D'Ewart, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 89.

Noes: Dougherty, Mungas, Parker, Scott and Smith. Total 5.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Lovell, Metlen, Padbury and Waldrop. Total 8.

### MOTIONS AND RESOLUTIONS

It was moved by McLeod, duly seconded and carried, that the House pass consideration of House Bill No. 55 for the day.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Manning in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following, recommend: (All amendments refer to printed bill).

That House Bill No. 83 be amended as follows: Amend Section 1 in lines 3 and 4, so as to read as follows: "All persons may be made defendants who have or claim an interest in the controversy adverse to the plaintiff, or who are necessary parties" And as amended do pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report of the Committee of the Whole be adopted. A roll call was demanded by the required number. A Call of the House was demanded by the required number. On motion of Stromnes, duly seconded and carried, further Call of the House was dispensed with. Whereupon roll call was had on adopting the report of the Committee of the Whole and carried by the following vote: Ayes: 50, Noes: 47, Absent: 4, Pass: 1.

The Speaker announced the following Special Investigation Committee on Relief to act with a like Committee of the Senate and the Governor for consideration of the request of the Workers Alliance: Mitchell, Haight and Reed.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Schneider: A Bill for an Act entitled: "An Act to amend Section 950.1 of the Revised Codes of Montana, 1935, relating to the qualifications for the County Superintendent of Schools."



By Anderson (Silver Bow): A Bill for an Act entitled: "An Act to regulate and control the operation of games of chance; to provide for the licensing thereof by the State Board of Equalization and granting to said Board certain powers therein: Providing for the distribution to the state and counties of the proceeds thereof; establishing a special revenue and Old Age Pension Fund; making certain Acts illegal and providing penalties; prohibiting minors from participating in any of said games and providing penalties therefor; permitting cities and towns to levy a license tax therefor in addition to the state tax herein provided; providing that by a special election any county may prohibit the games of chance in said county; providing that before such games of chance shall be licensed a special election shall be had in such counties and providing for such special election; repealing all Acts or parts of Acts in conflict therewith."

By Sorte, Kruse, Minette and Miller (Roosevelt): A Bill for an Act entitled: "An Act providing educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War."

By Stortz: A Bill for An Act entitled: "An Act relating to refunding bonds of irrigation districts and defining the character of the obligation created thereby."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to written reports of findings of fact prepared by experts, and governing the mode of their presentation, right of cross-examination, and to make uniform the law with reference thereto."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to the proof of records of businesses, professions, occupations, or institutions, and to make uniform the law with reference thereto."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to official reports of State Officers and their admission in evidence and the rights of adverse parties in respect thereto, and to make uniform the law in relation thereto."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to judicial notice of the Statutes of states, territory, and other jurisdictions of the United States, and all foreign countries, and providing for the methods whereby the court informs itself thereof, and to make uniform the law in relation thereto."

By D'Ewart: A Bill for an Act entitled: "An Emergency Act relating to a partial reimbursement of counties for expenditures incurred in campaigns against widespread or incipient outbreaks of insect pests: Providing for the declaration of an emergency by the State Entomologist: Providing for the cooperation of counties and the kinds of county expenditures to be considered: And providing for an appropriation of money to carry out the provisions of this Act."

By Minette: A Bill for an Act entitled: "An Act relating to the licensing of persons operating motor vehicles on the highways of the state; defining the term motor vehicles and all other terms and words used in this Act: Providing for the issuance of drivers' licenses, who shall be exempt therefrom and persons to whom licenses shall not be issued and placing restrictions on drivers of certain vehicles and the issuance of temporary licenses; prescribing forms of applications for licenses, the form and duration of licenses, the exhibition thereof and the fees to be charged therefor; providing for an examination of applicants and records to be kept; providing for cancellation, suspension, revocation and/or surrender of licenses, and for appeals to the court from a denial of a license or from the cancellation, suspension, revocation thereof; prohibit driving vehicles while license is suspended or revoked; providing penalties for the violation of this Act and repealing Section 1741.11 of the Revised Codes of Montana, 1935, and all Acts and parts of Acts in conflict herewith."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 12, respectfully report as follows: That House Bill No. 12 be amended as follows:

Amend Section 1, Line 7 by striking out the figure "1921" and inserting in lieu thereof the figure "1935".

Amend Section 3, lines 16 and 17 by striking out all the words in lines 16 and 17 and inserting in lieu thereof, the words "Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed."

Adding a new Section to read as follows: "Section 4. This Act shall be in full force and effect from and after its passage and approval."

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 168, respectfully report as follows: That House Bill No. 168 be recommended for passage.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 166, respectfully report as follows: That House Bill No. 166 do pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 96, respectfully report as follows: That House Bill No. 96 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 163, respectfully report as follows: That House Bill No. 163 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Utilities and State Commissions, having had under consideration House Memorial No. 3, respectfully report as follows: That House Memorial No. 3 do pass.

MONAHAN, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 100, 124 and 151.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bill correctly engrossed: House Bill No. 109.

PETERSON (Pondera), Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion, requests the House to return to the Senate House Bill No. 63 for further consideration.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the request of the Honorable Senate for the return of House Bill No. 63 be granted.

It was moved by McLeod, duly seconded and carried, that the House reconsider its action on House Bill No. 55.

It was moved by McLeod, duly seconded and carried, that House Bill No. 55 be placed at the head of the list on General Orders.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

House Bill No. 170, introduced by Cusick: A Bill for an Act entitled: "An Act to amend Sections 2639.4, 2639.5, 2639.6, 2639.7, 2639.9, and 2639.11, of Chapter 241 of the Revised Codes of Montana, 1935, and to add to said Chapter a new Section numbered 2639.13, relating to a Milk Control Board, to exercise such supervision and control pursuant to the provisions of this Act; to provide for the manner of selecting the members of said Milk Control Board and fixing their compensation; to prescribe and define the powers and duties thereof; to provide for the enforcement of this Act; to provide penalties for violation of this Act; to provide for licensing and collection of fees and the appropriation of the proceeds thereof for the purposes of this Act, and declaring an emergency." Referred to the Committee on Dairying.

House Bill No. 171, introduced by Anderson (Lincoln), by request: A Bill for an Act entitled: "An Act to amend Section 4465.4, Revised Codes of Montana of 1935, relating to the tax levy for the care of poor and indigent persons." Referred to the Committee on Social Security.

House Bill No. 172, introduced by Anderson (Lincoln), by request: A Bill for an Act entitled: "An Act relating to the floating indebtedness of counties outstanding on June 30, 1937, and providing for the issuance of bonds for the purpose of funding such indebtedness and for the levying of taxes for the payment of such bonds." Referred to the Committee on Townships and Counties.

House Bill No. 173, introduced by Lemmer: A Bill for an Act entitled: "An Act requiring the State Fish and Game Warden, and his Deputies, to examine all mill races, irrigation ditches, pipes, flumes and canals taking or receiving water from any river, creek, stream or lake for the purpose of determining whether such mill race, irrigation ditches, pipes, flumes or canals shall be screened; granting power to order the same to be screened; providing the manner of serving such order and specifying the time allowed for compliance with it; providing that refusal or neglect to comply with such order shall constitute a misdemeanor and fixing the penalty therefor." Referred to the Committee on Fish and Game.

House Bill No. 174, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to establish a minimum wage commission, and provide for the determination and establishments of minimum wages for women and minors; to declare public policy; to provide for penalties for violation thereof and repealing all Acts in conflict herewith." Referred to the Committee on Labor.

House Bill No. 175, introduced by Ijams: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana of 1935, relating to registration fees, disposal of proceeds, fee for half year, dealer's

registration and transfer thereof, and public owned vehicles exempt from fees." Referred to the Committee on Highways and Highway Transportation.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Substitute House Bill No. 47 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Harcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 94.

Noes: Johnson. Total 1.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Metlen, Minette, Padbury. Total 7.

House Bill No. 70 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Finnegan, Freshman, Goodwin, Hamilton, Harcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Rolph, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 84.

Noes: D'Ewart, Green, Haight, Haugan, Kelson, Kruse, Longenecker, Miller (Big Horn), Minette, Scofield. Total 10.

Absent and not voting: Eggenberger, Elliott, DeDobbeleer, Johnson, Holecek, Metlen, Padbury, Stromnes. Total 8.

House Bill No. 79 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Harcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 91.



Noes: Lambert, Smith, Stimatz, Whaley. Total 4.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Metlen, Minette, Padbury, Total 7.

Substitute House Bill No. 95 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 88.

Noes: Haight, Heavlin, Hess, Lambert, Lasby, Vanek. Total 6.

Absent and not voting: DeDobbeleer, Eggenberger, Elliott, Holecek, Joffray, Measure, Minette, Padbury. Total 8.

House Bill No. 109 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 86.

Noes: D'Ewart, Hoiness, Mungas, O'Connor, O'Shea. Total 5.

Absent and not voting: Anderson (Silver Bow), Brayman, DeDobbeleer, Eggenberger, Elliott, Holecek, Joffray, Lovell, Metlen, Padbury, Waldrop. Total 11.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Speigel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Manning in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That the enacting clause in House Bill No. 55 be stricken.

That Substitute House Bill No. 10 do pass.

That House Bill No. 56 be amended as follows: Strike out in the title after the figures "1935" everything down to the word "relating"; Amend Section 1 by striking out after the figures 1935, everything up to and including the word "Montana", in line 4, and as amended do pass.

That House Bill No. 67 be amended as follows: Strike out in Section 2, Line 7, all of the remainder of the Section after the word "misdemeanor" and placing a period after the word "misdemeanor." And as amended do pass.

That House Bill No. 88 be amended as follows: Amend Section 1 by striking out lines 15 to 20 inclusive and inserting in lieu thereof the words: "(e) on any net income in excess of Four Thousand Dollars (\$4000.00) at the rate of six per centum (6%)" and as amended, do pass.

That House Bill No. 116 do pass.

That House Bill No. 126 do pass.

That the enacting clause be stricken from House Bill No. 22.

That House Bill No. 130 do pass.

That Senate Bill No. 6 be concurred in.

That consideration of Senate Bill No. 26 be passed for the day.

That consideration of Senate Bill No. 20 be passed for the day.

That Senate Bill No. 36 be amended as follows: Amend by striking out all of Section 4 and inserting in lieu thereof the words "Section 4. This Act shall be in full force and effect sixty days after its passage and approval." And as amended, be concurred in.

That consideration of House Bill No. 100 be passed for the day.

That House Bill No. 124 do pass.

That House Bill No. 151 do pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the House adopt the report of the Committee of the Whole.

On substitute motion it was moved by Peterson (Pondera), duly seconded, that House Bill No. 56 be segregated from the report of the Committee of the Whole. Motion was lost.

On substitute motion, it was moved by McLeod, duly seconded, that House Bill No. 55 be segregated from the report of the Committee of the Whole. A roll call was demanded by the required number and the motion was lost by the following vote: Ayes: 41, Noes: 53, Absent: 8.

Whereupon motion to adopt the report of the Committee of the Whole carried.

It was moved by Smith, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Thursday morning, February 4th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### THIRTY-SECOND DAY

House of Representatives,  
Helena, Montana,  
February 4th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present, except Padbury who was excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-first Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Metcalf: "An Act levying a license tax upon all corporations, associations, or persons engaged in the business of severing gas from the soil; and prescribing the method of collecting the license tax; requiring all those engaged in the severance of such gas to make quarterly reports of their business; defining the word "person" under this Act; allowing the Tax provided for under Chapter 218 of the Revised Codes of Montana, 1935 to apply on the tax under this Act; providing penalties and to prescribe for the disposition of the funds so collected."

By Elliott and Heavlin: An Act creating the Montana State Forest and Conservation Experiment Station and providing for its organization; defining its duty and authority and generally relating to its organization, functions, management and duties.

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act authorizing a court or judge to reduce the penalty of a bond previously given by an executor or administrator and providing for the filing of a new bond."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Section 10204 of the Revised Codes of Montana, 1935, relating to the sale of personal property in probate proceedings."

By Committee on Social Security: "The Public Welfare Act, relating to the general welfare and social security of the people of the State of Montana; providing for the noninstitutional indigent and the unemployed destitute; providing for old age assistance; providing for needy dependent children; providing for needy blind individuals; providing for services for crippled children; providing for services for child welfare and vocational rehabilitation; creating a State Department of Public Welfare, a State Board of Public Welfare, County Boards of Public Welfare, prescribing their powers and duties; creating certain funds; providing for administrative functionaries, their appointment and removal, their qualifications, salary, term and tenure of office, and their powers and duties; prescribing certain powers and duties of the Board of County Commissioners; prescribing rules of eligibility and regulations for all assistance under the provisions of this Act; providing for the appropriation and disposition of funds and revenue; directing the levy of certain taxes provided by law; providing for contracts with the United States; defining fraudulent Acts; placing the Bureau of Child Protection and the Bureau of Vocational Rehabilitation under the authority and supervisions of the State Department of Public Welfare; and repealing Sections from and including 335.1 and every successive Section to and including 335.45 and repealing Sections from and including Section 10480 and each successive Section to and including Section 10487 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith."

By Brennan: "An Act to regulate and to license solicitors of wearing apparel for dying, cleaning or laundering to be so dyed, cleaned or laundered in institutions outside the State of Montana and to provide penalties for the violation of any of the terms of this Act."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Sections 10089 and 10096 of the Revised Codes of Montana, 1935, relating to the bonds of executors and administrators, when such bonds shall be required and when such bonds may not be required."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act relating to the bond of guardianship and providing the manner in which letters of guardianship may issue without bond."

By McKenna: "An Act providing for surrender of books, records, supplies, unfinished business, estate and property by Public Administrator upon expiration or termination of office, and allowing compensation for services partially performed."

By Anderson (Phillips): A Bill for an Act entitled: "An Act to require the Montana Liquor Control Board to increase the retail sale price of liquors sold under control of said Board and to provide that the proceeds therefrom be allocated to the General School Fund of the state and that the tax levy of the several school districts for school purposes be limited to not exceed a levy of three mills."

By Lambert: "An Act providing for persons entering into a written contract with a public school or an institution of higher learning supported by public funds to subscribe to the oath contained in Section 1 of Article XIX of the Constitution of Montana and providing that such oath be printed or written on such contract; and providing for the repeal of Sections 1327.1 and 1327.2 of the Revised Codes of Montana, 1935."

By Bjorneby and Ruffcorn: "An Act to amend certain Sections of Chapter 273 of the Political Code of Montana (1935) being Sections numbered 3205, 3206, 3211 and 3211.1, inclusive, of the Revised Codes of Montana relating to nursing and the regulation of the practice of nursing within the State of Montana and providing for the appointment of a Board of Examiners for nurses, the qualifications and duties thereof, the organization and operation of said Board, the collection of license fees from nurses, and the disposition thereof, and defining the powers and duties of the Board of Examiners for Nurses, and adding new Sections and provisions to the existing laws on the subject."

By Alvord and Mitchell: An Act to create and establish a "Montana University Students Loan Fund, regulating the investment thereof and providing for loans to such students."

By Toomey: A Bill for an Act entitled: "A Bill to provide for a statewide observance in the year 1939 to celebrate the 75th anniversary of the creation of Montana Territory and the 50th anniversary of Montana's Statehood, and to provide for official, educational and popular recognition of the significance thereof by all our citizens."

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Committee on Conference, having had under consideration House Bill No. 37, respectfully report that the Senate recedes from all its amendments. This action restores the bill to its original form as it left the House.

SMITH,  
MEYER,  
SIMMONS,  
For the Senate.

MINETTE,  
McCLAIN,  
HOINESS,  
For the House.

Conference Committee report, on motion of Minette, duly seconded, was adopted by the following vote: Ayes: 95, Noes: none, Absent: 7.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 83, 89, 98 and 151.

PETERSON (Pondera), Chairman.

Report adopted.



The Committee on Printing reported the following bills correctly printed: House Bills Nos. 38, 49, 77, 131, 137, 142, 144, 145, 154.

MACKIE, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, history and title agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 46, 48 and 50.

The following House Bills were this day read third time and concurred in, history and title agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 17 and 29.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the following bill be placed on General Orders: House Bills Nos. 38, 49, 77, 131, 137, 144, 145, 154 and 142.

It was moved by Lehrkind, duly seconded and carried, that Senate Bill No. 6 be taken from Third Reading and placed on General Orders.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

Senate Bill No. 46, introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 5309.35 of the Revised Codes of Montana of 1935, permitting certain fiduciaries and financial institutions to invest their funds in Home Owners' Loan Corporations bonds and in obligations of National Mortgage Association, so as to permit such fiduciaries and institutions also to invest in debentures issued by the Federal Housing Administration." Referred to the Committee on Banks and Banking.

Senate Bill No. 48, introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 6018.1 of the Revised Codes of Montana of 1935 relating to loans and investments under the National Housing Act, and to add a new Section to said Act making mortgages insured and debentures issued by the Federal Housing Administration eligible for deposit purposes." Referred to the Committee on Banks and Banking.

Senate Bill No. 50, introduced by Garrison: A Bill for an Act entitled: "An Act to amend Section 191.1 of the Revised Codes of Montana of 1935, making the State Treasurer custodian of all funds received under the terms of Section 10 of the Taylor Grazing Act, as amended June 26th, 1936, and amending Section 191.2 of the Revised Codes of Montana of 1935, providing for the distribution and allocation of such funds in the counties." Referred to the Committee on Livestock and Public Ranges.

House Bill No. 176, introduced by Committee on Labor: A Bill for an Act entitled: "An Act providing for the greater security for the payment of wages and salaries of employees of persons, associations or per-

sons or corporations engaged in the business of mining and/or reducing and refining for market, metals or minerals including coal, oil, gas and any other metallic or non-metallic deposits in the State of Montana; defining terms used in this Act; providing for the licensing of employers in such business by the Department of Agriculture, Labor and Industry, and empowering said department to enforce the provisions of this Act; providing for deposits by employers to secure the payment of wages and salaries; providing a payroll tax to maintain a fund for the purpose of defraying the expense of administering this Act; providing penalties for violations of the provisions of this Act; providing that the powers of this Act vested in the Department of Agriculture, Labor and Industry and the duties imposed upon said Department shall, in the event of the creation of a Department and/or Commission of Labor, pass to such Department or Commissioner of Labor as the case may be; and making other provisions incidental to the general purpose of this Act and repealing all Acts or parts of Acts in conflict herewith." Referred to the Committee on Labor.

House Bill No. 177, introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to regulate and control the operation of games of chance; to provide for the licensing thereof by the State Board of Equalization and granting to said Board certain powers therein: Providing for the distribution to the several counties and to the state of the proceeds thereof; establishing a special revenue and Old Age Pension fund; making certain Acts illegal and providing penalties; prohibiting minors from participating in any of said games and providing penalties therefor; permitting cities and towns to levy a license tax therefor in addition to the state tax herein provided; providing that by a special election any county may prohibit the games of chance in said county; providing that before such games of chance shall be licensed a special election shall be had in such counties and providing for such special election; repealing all Acts or parts of Acts in conflict therewith." Referred to the Committee on Revenue and Taxation.

House Bill No. 178, introduced by Committee on Aviation: A Bill for an Act entitled: "An Act providing for the enforcement of Laws regulating aeronautics, licenses for aircraft, airmen and air traffic rules by the Highway Patrol; providing for a member of the Highway Patrol to act as Aeronautical Inspector; and providing for investigations and hearings in cases of air accidents." Referred to the Committee on Aviation.

House Bill No. 179, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to the proof of records of businesses, professions, occupations, or institutions, and to make uniform the law with reference thereto." Referred to the Committee on Judiciary.

House Bill No. 180, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to judicial notice of the Statutes of States, Territory, and other jurisdictions of the United States, and all foreign countries, and providing for the methods whereby the court informs itself thereof, and to make uniform the Law in relation thereto." Referred to the Committee on Judiciary.

House Bill No. 181, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to written reports of findings of fact prepared by experts, and governing the mode of their presentation, right of cross-examination, and to make uniform the law with reference thereto." Referred to the Committee on Judiciary.

House Bill No. 182, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to official reports of state officers and their admission in evidence and the rights of adverse parties in respect thereto, and to make uniform the Law in relation thereto." Referred to the Committee on Judiciary.

House Bill No. 183, introduced by Sorte, Minette, Miller (Roosevelt), Kruse: A Bill for an Act entitled: "An Act providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War." Referred to the Committee on Education.

House Bill No. 184, introduced by D'Ewart: A Bill for an Act entitled: "An Emergency Act relating to a partial reimbursement of counties for expenditures incurred in campaigns against widespread or incipient outbreaks of insect pests: Providing for the declaration of an emergency by the State Entomologist: Providing for the cooperation of counties and the kinds of county expenditures to be considered: And providing for an appropriation of money to carry out the provisions of this Act." Referred to the Committee on Appropriations.

House Bill No. 185, introduced by Stortz: A Bill for an Act entitled: "An Act relating to refunding bonds of irrigation districts and defining the character of the obligation created thereby." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 186, introduced by Lovell and Hoiness: A Bill for an Act entitled: "An Act providing for the regulation of aeronautics within the State of Montana; providing for uniformity with Federal Laws regulating aeronautics and creating the State Aeronautics Commission; providing for the appointment of members thereof; defining the powers and duties of such Commission; and providing for the promulgation and issuance of rules and regulations by such Commission." Referred to the Committee on Aviation.

The Committee on Enrolling reported the following Memorial correctly enrolled: House Joint Memorial No. 2.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Joint Memorial No. 2, introduced by me, and find the same to be correct.

BURNS.

The Speaker signed in Open Session, House Joint Memorial No. 2.

## MOTIONS AND RESOLUTIONS

It was moved by Brennan, duly seconded and carried, that consideration of Senate Bill No. 36 be passed temporarily.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 89 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Heden, Hess, Hoiness, Ijams, Jackson, Kelson, Kruse, Lambert, Lasby, Lemmer, Levissee, Love, Lovell, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stimatz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: D'Ewart, Green, Haugan, Johnson, Leeson, Lehrkind, Longenecker, Miller (Roosevelt), Mungas, Scofield, Smith, Sorte. Total 12.

Absent and not voting: Chatham, Holecek, Joffray, Lippard, McKenna, Manning, Minette, O'Connor, Padbury, Stortz. Total 10.

House Bill No. 151 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 93.

Noes: None.

Absent and not voting: Chatham, Holecek, Manning, Masterson, Minette, O'Connor, Padbury, Peterson (Pondera), Stromnes. Total 9.

A Call of the House was demanded by the required number. On motion of Stimatz, further Call of the House was dispensed with.

House Bill No. 83 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, Eggenberger, Finnegan, Goodwin, Haight, Hess, Joffray, Lambert, Lasby, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Smith, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Mr. Speaker. Total 51.

Noes: Anderson (Phillips), Brennan, Campbell, Cohen, Crouse, Cruickshank, D'Ewart, Dougherty, Elliott, Freshman, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, Manning, Metlen, Miles, Miller (Big Horn), Minette, Mungas, Reed, Scofield, Shanley, Sherman, Sorte, Stromnes, Toomey, Trandum, Wenger, Wood. Total 46.

Absent and not voting: Chatham, O'Connor, Padbury. Total 3.

Passed their vote: Conner, Longenecker. Total 2.

House Bill No. 98 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz,



Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 94.

Noes: None.

Absent and not voting: Chatham, Holecek, Levissee, Lovell, Minette, O'Connor, Padbury, Toomey. Total 8.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Miller (Big Horn) in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders recommend:

That consideration of Senate Bill No. 6 be passed for the day.

That Senate Bill No. 26 be amended as follows: Amend Section 1, line 7 by inserting after the word "indicted" the words "or informed against", and as amended, be concurred in.

That Senate Bill No. 20 be concurred in.

That House Bill No. 100 be passed for the day.

That House Bill No. 69 be passed for the day.

That the enacting clause be stricken from House Bill No. 108.

That House Bill No. 112 do pass.

MILLER (Big Horn), Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Burns, duly seconded, that the House reconsider its action on adopting the Committee of the Whole report. Motion was lost.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 100 be taken from General Orders and referred to the Committee on Appropriations.

Upon motion, duly seconded and carried, House Bill No. 126 was taken from the Committee on Engrossing and referred to General Orders for purpose of amendment.

It was moved by Manning, duly seconded and carried, that House Bill No. 156 be taken from the Committee on Appropriations and referred to the Committee on Education.

It was moved by Joffray, duly seconded and carried, that consideration of House Bill No. 38 be passed for the day.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Peterson (Sheridan), Tyler and Whaley: "An Act to amend Section 11 of Chapter 19 of the Session Laws of the Twentieth Legislative Assem-

bly of Montana of 1927 relating to gasoline exempted from payment of the gasoline tax."

By Committee on Workmen's Compensation, Finnegan, Chairman: "An Act to amend Section 2952 of the Revised Codes of Montana of 1935, relating to workmen's compensation."

By Anderson (Phillips): A Bill for an Act entitled: "An Act designating speed restrictions on the highways of the State of Montana."

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 9, 102, 146 and 162.

MACKIE, Chariman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration Senate Bill No. 37, respectfully report as follows: That Senate Bill No. 37 be concurred in.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 38, respectfully report as follows: That Senate Bill No. 38 be concurred in.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 90, respectfully report as follows: That House Bill No. 90 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Judiciary, having had under consideration House Bill No. 138, respectfully report as follows: That House Bill No. 138 do not pass.

STROMNES,  
SMITH,  
BJORNEBY,  
RUFFCORN,  
KRUSE,  
LASBY,  
TOOMEY,  
HEAVLIN.

Mr. Speaker: We, a Minority of your Committee on Judiciary, having had under consideration House Bill No. 138, respectfully report as follows: That House Bill No. 138 do pass.

METCALF,  
MEASURE,  
HOINESS,  
ALVORD.

It was moved by Smith, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Metcalf, duly seconded and carried, that the report of the Minority be adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bill Nos. 116, 124 and 130 and Substitute House Bill No. 10.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways, having had under consideration House Bill No. 175, respectfully report as follows: That House Bill No. 175 do not pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways, having had under consideration House Bill No. 158, respectfully report as follows: That House Bill No. 158 do not pass.

It was moved by Cusick, duly seconded, that the report be adopted. On substitute motion, it was moved by Peterson (Pondera), duly seconded and carried, that House Bill No. 158 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 171, respectfully report as follows: That House Bill No. 171 be referred to the Committee on Revenue and Taxation.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Safety, having had under consideration House Bill No. 129, respectfully report as follows: That House Bill No. 129 do pass.

DALY, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 25, respectfully report as follows: That House Bill No. 25 do not pass.

JOFFRAY,  
STORTZ,  
MASTERSON,  
LASBY,  
PETERSON (Sheridan),  
PETERSON (Pondera),  
CAMPBELL,  
MITCHELL,  
HOLECEK,

Mr. Speaker: We, a Mniority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 25, respectfully report as follows: That House Bill No. 25 be amended as follows:

Amend page 2, line 6, by striking out the words and figures "one-half ( $\frac{1}{2}$ )" and inserting in lieu thereof the words and figures "one (1)" mill.

Amend page 2, line 8 by striking out the words and figures "one (1)" mill and inserting in lieu thereof the words and figures "two (2)" mills.

Amend page 2, line 12 by striking out the words and figures "one-fourth ( $\frac{1}{4}$ c)" cent and inserting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )" cent;

Amend page 2, lines 13 and 14 by striking out the words and figures "one-half ( $\frac{1}{2}$ )" and inserting in lieu thereof the words and figures "one (1)" cent.

Amend page 2, lines 14 and 15 by striking out the words and figures "one-fourth ( $\frac{1}{4}$ )" cent and inserting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )" cent.

Amend page 2, line 16, by striking out the words and figures "one-half ( $\frac{1}{2}$ )" cent and inserting in lieu thereof the words and figures "one (1c)" cent.

Amend page 5, Section 14, by adding to the Section after the end of line 32 the words "All of the tax collected under this Act shall be paid into certain funds of the State as hereinafter provided." And as amended do pass.

METLEN,  
RUFFCORN,  
KRUSE,  
CHAMBERLAIN,  
CUSICK.

It was moved by Campbell, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Metlen, duly seconded, that the Minority report be adopted. Motion was lost. Whereupon motion to adopt Majority report was adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 40, respectfully report as follows: That House Bill No. 40 be amended as follows:

That the title be amended as follows: By inserting in Line 3 of the title in the printed bill the word "or" after the word district and before the word county. By striking out of Lines 3, 4, 5, 6, words "city or township or other subdivision of any thereof, or any Deputy, Assistant, Employee or other person working therefor or holding any position of trust or place or position under any". Inserting in Line 8 of the printed bill "or" after the word at and before the word least. By striking out of Lines 8 and 9 of the title of the printed bill the words "lease thirty days". By striking out of Line 11 the words "or employment". By striking out of Lines 12 and 13 the words "retroactively if necessary". By striking out of Lines 14 and 15 the words "and providing penalties for violation of this Act, and declaring the policy hereof." Section (1)

Striking out words in Line 5 "City, Town, Township, School District."

Striking out words in Line 5 and 6 "(or other subdivision of any thereof,)"

Striking out words in Line 6 and 8 words "or holding, occupying or discharging de jure or de facto, the duties of deputy or assistant in any thereof, or any employment or position of trust, station, position or place under any thereof."

Striking out word "for" in end of said Line 8.

Striking out words in Line 10 "at least thirty (30) days prior to," and substitute words as the following "at or before".

Striking out in Line 13 "or employment."

Striking out in Line 16 "or employment".

Striking out, in Line 20 words "retroactively, if necessary,".

#### Section (2)

Inserting in Line 3 after word law the words "preference being given to qualified Deputies or Assistants then actually serving in their respective places, if otherwise competent."

#### Section (3)

Striking out Section 3 and putting in place thereof:

"This Act shall not apply to any office, position, or place, appointive or elective, the incumbent of which is prohibited by law

(a) From succeeding himself in said office, position or place, or

(b) the incumbent of which is prohibited by law from enjoying more than two (2) successive terms in said office, position or place, or



(c) to any office, position or place for which there is no salary, per diem, fees or emoluments prescribed or accruing by law, or

(d) to the office of Representative or State Senator

(e) to the incumbent of any office whose term of office expires within seventy (70) days after the ensuing general election.

Section (4)

Inserting in Line 2 after the word position the word "or" and striking the words "or employments"

Striking out the words Line 3 "et cetera,"

Inserting in Line 5 after the words by the "Constitution of the United States or the"

Section (5)

In Line 3 before places insert "or".

Striking out words "or employments".

And as amended do pass, and that a copy of the bill, as amended in Committee, be mimeographed and put on the desk of members.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 132, respectfully report as follows: That House Bill No. 132 be amended as follows:

That Section one (1) of House Bill No. 132, be amended to read:

Section 1. Whenever the State of Montana, or the subdivisions thereof, owning buildings or personal property with insurance values in excess of five thousand dollars (\$5000.00) shall purchase insurance against direct loss by fire, or other hazards, such insurance shall be purchased under the provisions of this Act and not otherwise.

That Section two (2) of House Bill No. 132, be amended to read:

Section 2. That any city or town owning real and personal property with insurance values in excess of five thousand dollars (\$5,000.00) which insures its property against direct loss by fire other hazards shall purchase such insurance in the manner provided for in this Act and not otherwise.

That Section three (3) of House Bill No. 132, be amended to read:

Section 3. That not less than thirty days before the expiration date of any existing insurance policy, or before purchasing insurance against direct loss by fire or other hazards, the officers, board or body having custody or control of any of such property, shall give notice in a newspaper published in the county by at least one publication, that sealed proposals will be received by such officer, board or body, up to a time to be mentioned therein; for insurance covering the property to be insured, which notice shall also state that a detailed statement of the insurance required and specifications will be furnished bidders upon request. Provided that insurance shall only be purchased from insurance companies duly admitted and licensed and their agents licensed to transact business by the Insurance Department of the State of Montana. At the time mentioned in said notice the proposals shall be opened, in public, and contracts awarded to the lowest bidder. The officer, board or body shall have the right to reject any and all bids. If all of such proposals shall be rejected, proposals shall again be called for and proceeded with in the same manner.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Water Conservation and Flood Control, having had under consideration Senate Joint Memorial No. 3, respectfully report as follows: That Senate Joint Memorial No. 3 be concurred in.

Report adopted.

CROUSE, Chairman.

Mr. Speaker: We, a Majority of your Committee on Insurance, having had under consideration House Bill No. 113, respectfully report as follows: That House Bill No. 113 do pass.

TRANDUM,  
WHALEY,  
BJORNEBY,  
LEHRKIND,  
BRENNAN,  
LEVISEE,  
LONGENECKER.

Mr. Speaker: We, a Minority of your Committee on Insurance, having had under consideration House Bill No. 113, respectfully report as follows: That House Bill No. 113 do not pass.

LAMBERT,  
JACKSON,  
HARDCASTLE,  
PARKER.

It was moved by Johnson, duly seconded, that the Majority report be adopted. On substitute motion it was moved by Lambert, duly seconded, that the Minority report be adopted. Motion was lost. Whereupon Majority report was adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 164, respectfully report as follows: That House Bill No. 164 be amended as follows:

By changing in Section 1, line nineteen (19) the words and figures five (5) and insert in lieu thereof, the words and figures ten (10). And as amended do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 174, respectfully report as follows: That House Bill No. 174 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 176, respectfully report as follows: That House Bill No. 176 do pass.

MULHOLLAND, Chairman.

Report adopted.

The Committee on Engrossing reported the following bill correctly engrossed: House Bill No. 56.

PETERSON (Pondera), Chairman.

Report adopted.

The Speaker signed the following in Open Session: Senate Joint Resolution No. 5, Senate Bill No. 11 and Senate Bill No. 28.

## MOTIONS AND RESOLUTIONS

### House Resolution No. 6

Introduced by Stromnes, Toomey and Heavlin

A Resolution entitled: A Resolution to provide for the appointment of a House Committee to conduct an investigation into alleged violation of

State Gambling Law and the mandate and decision of the Supreme Court abating certain premises in the City of Butte, in the County of Silver Bow, State of Montana.

Be It Resolved by the House of the State of Montana:

Whereas, the Supreme Court of the State of Montana by its decisions in actions 7536 and 7537 on Nov. 16th, 1936, adjudged and decreed that certain nuisances, to wit: flagrant and continued violation of gambling laws existed in certain premises in the City of Butte, known as the Crown Cigar Store and the M & M, and said Supreme Court directed the abatement of the premises occupied by said establishments for a period of one year: and

Whereas it is common knowledge that gambling is still and now being conducted on said premises and said order and decision of the said court is being openly flouted and disobeyed: and

Whereas said unlawful and contemptuous conduct has brought and is bringing the state into disrepute and has directed unfavorable publicity and notoriety to the entire state in prominent national publications and otherwise:

Be It Resolved by the House of the Twenty-fifth Legislative Assembly, that a committee of three members of this house be appointed by the Speaker of the House, to make and conduct such investigation as it or said committee may deem advisable within the purview hereof, for the determination of the true facts relative to the administration of justice in Silver Bow County with particular respect to the above mentioned matters.

Be It Further Resolved, That said committee be authorized and empowered to require the attendance of any and all witnesses necessary in the furtherance of said investigation, and said committee is authorized and empowered through its chairman, to issue subpoenae to require the attendance of any person to testify, under oath, and said committee is further authorized and empowered to require the Sheriff of any county of the State of Montana to serve subpoenae issued by it.

Be It Further Resolved, That said committee direct particular attention in addition to the powers hereinbefore granted it to determine:

First: Whether or not said establishments hereinbefore mentioned are now openly violating and flouting the law and in contempt of the Supreme Court.

Second: If so, what officer or officers of the State of Montana or any county therein are responsible therefor or tolerant thereof.

Be It Further Resolved, That all items of expense be returned by said committee with its report and that the Sergeant-at-Arms of the House be and he is hereby authorized and instructed to pay any and all sums necessarily incurred, not to exceed \$150.00 for expense or fees or mileage necessarily incurred by said committee upon presentation to him of proper vouchers signed by the Chairman of said committee and the Speaker of the House.

On motion of Stromnes, duly seconded and carried, House Resolution No. 6 was adopted.

It was moved by Campbell, duly seconded and carried, that the House reconsider its action on House Bill No. 55.

It was moved by Campbell, duly seconded and carried, that House Bill No. 55 be placed second on the list of General Orders.

It was moved by Spiegel, duly seconded and carried, that consideration of House Bill No. 137 be passed for the day.

It was moved by Peterson (Pondera), duly seconded, that House Bill No. 56 be taken from the Committee on Engrossing and placed on General Orders. On substitute motion, it was moved by Campbell, duly seconded and carried, that House Bill No. 56 be placed on Third Reading.

It was moved by Ijams, duly seconded, that the House reconsider its action on House Bill No. 175. Motion was lost.

It was moved by Metcalf, duly seconded, that the House reconsider its action in adopting the minority report on House Bill No. 25. A Roll Call was demanded by the required number and the motion was lost by the following vote: Ayes: 19, Noes: 74, Absent: 19.

It was moved by Anderson (Phillips), duly seconded and carried, that House Bill No. 126 be taken from General Orders and referred to the Committee on Livestock and Public Ranges.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 20 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Leeson, Lippard, Longenecker, Lovell, McClain, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 69.

Noes: Crouse, Cruickshank, Hamilton, Heavlin, Hedden, Holecek, Lasby, Lehrkind, Levissee, Love, McKenna, Mackie, Miles, Monahan, Mungas, Scofield, D'Ewart. Total 17.

Absent and not voting: Chatham, DeDobbeleer, Haight, Jackson, Kelson, Lemmer, Manning, Metlen, Miller (Big Horn), Mitchell, O'Connor, O'Shea, Padbury, Reed, Smith, Trandum. Total 16.

Senate Bill No. 26 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Johnson, Kruse, Lambert, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Cruickshank, Cusick, McKenna, Mr. Speaker. Total 82.

Noes: Hoiness, Lasby, Toomey. Total 3.

Absent and not voting: Chatham, DeDobbeleer, Green, Haight, Jackson, Joffray, Kelson, Lemmer, Metcalf, Metlen, Miller (Big Horn), Mitchell, Padbury, Reed, Schneider, Smith, Stromnes. Total 17.

House Bill No. 124 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Campbell, Cham-



berlain, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Holecek, Ijams, Joffray, Kruse, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, Lovell, Mackie, Manning, Masterson, Measure, Miller (Big Horn), Miller (Roosevelt), Monahan, Mungas, Parker, Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood, Eggenberger, Mr. Speaker. Total 62.

Noes: Anderson (Lincoln), Bjerneby, Burns, Cusick, Daly, Haugan, Hess, Lambert, McClain, McKenna, McLeod, Metcalf, Miles, Mulholland, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Scofield, Spiegel, Stimatz, Stortz, Vanek, Whaley. Total 24.

Absent and not voting: Chatham, DeDobbeleer, Elliott, Haight, Jackson, Kelson, Lemmer, Levisee, Metlen, Minette, Mitchell, O'Connor, Padbury, Reed, Smith. Total 16.

House Bill No. 130 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: D'Ewart. Total 1.

Absent and not voting: Chatham, DeDobbeleer, Haight, Hamilton, Jackson, Kelson, Lemmer, Levisee, Manning, Metlen, Mitchell, O'Connor, Padbury, Reed, Smith, Stortz. Total 16.

House Bill No. 116 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Levisee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 88.

Noes: None.

Absent and not voting: Chatham, DeDobbeleer, Haight, Hoiness, Jackson, Kelson, Lemmer, Metlen, Mitchell, O'Connor, Padbury, Reed, Smith, Trandum. Total 14.

Substitute House Bill No. 10 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Elliott, Freshman,

Hamilton, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Longenecker, Love, McClain, Mackie, Masterson, Miller (Roosevelt), Monahan, Mungas, Phelan, Schneider, Shanley, Sorte, Stortz, Stromnes, Trandum, Vanek, Wenger. Total 48.

Noes: Anderson (Chouteau), Burns, Chamberlain, Cusick, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Heavlin, Hess, Holecek, Lambert, Levisse, Lippard, Lovell, McKenna, Measure, Metcalf, Miles, Miller (Big Horn), Minette, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Scofield, Scott, Sherman, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Whaley, Wood, Mr. Speaker. Total 40.

Absent and not voting: Chatham, DeDobbeleer, Haight, Kelson, Lemmer, McLeod, Manning, Metlen, Mitchell, O'Connor, Padbury, Reed, Smith, Jackson. Total 14.

It was moved by Spiegel, duly seconded, that the House recess until 8:00 o'clock P. M. On substitute motion, it was moved by Minette, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Friday morning, February 5th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### THIRTY-THIRD DAY

House of Representatives,  
Helena, Montana,  
February 5th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present, except the following who were excused: Lemmer and Padbury.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-second Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Hoiness: A Bill for an Act entitled: "An Act amending Section 587 of the Revised Codes of Montana, 1935, relating to the Judges of Election, Appointment; providing for double boards of Election Judges and relating to their powers and duties."

By Brayman, Miller of Roosevelt and Chamberlain: A Bill for an Act entitled: "An Act to amend Section 4536 of the Revised Codes of Montana, 1935, relating to the burial of deceased Soldiers, Sailors and Marines by providing that payment by the County shall apply to all Veterans regardless of financial status."

By Minette: A Bill for an Act entitled: "An Act directing the Superintendent of Public Instruction to make a health study of children enrolled in the Public Schools and a study of the educational facilities for handicapped and exceptional children; providing for the appointment of two Specialists to assist in making such study; providing for the preparation of an educational program pursuant to the findings of such study; providing that the Superintendent of Public Instruction shall make regulations for the successful operation of this Act; and appropriating

\$10,000 annually from the Public General Fund for the payment of salaries of such Specialists and other expenses necessarily incurred in making such study and amending Sections 1200.1 and 1200.9 of the Revised Codes of Montana, for 1935, so as to conform thereto."

By Hamilton and Cruickshank: A Bill for an Act entitled: "An Act to amend Section 2505 of the Revised Codes of Montana of 1935, relating to the employment of School Nurses and providing therein: for the employment of School Physicians; requiring a physical examination of each child enrolled in the Public Schools except as hereinafter provided: providing that a child suffering from a contagious disease may be sent home from school; and providing that School Boards and County Commissioners shall furnish treatment to cure defective school children whose parents are unable to do so."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 10279 of the Revised Codes of Montana of 1935 relating to the curing of defects in sales of lands and personal property by Executors, Administrators and Guardians."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 10204 of the Revised Codes of Montana 1935, providing the manner of sale of personal property in probate proceedings."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 10376 of the Revised Codes of Montana of 1935, relating to the powers of Clerks of the District Courts to issue Notices, Orders and hold Hearings in probate and guardianship matters and providing for the modification or setting aside of any Notices or Orders so made."

By Lippard and Anderson of Chouteau: A Bill for an Act entitled: "An Act relating to the re-issuance of contracts for tax deed lands and providing the conditions upon which such contracts shall be re-issued."

By Stortz and Masterson: A Bill for an Act entitled: "An Act providing for the recall of elective public Officers in the State of Montana; relating to the cause for such recall; providing for the percentages necessary on the petition of recall; relating to the formation and filing of charges; relating to the ballot synopsis of charges, the form of petition, the certificate of precinct Officers, the size of petition, the checking of petition, the names necessary, the contributions and expenditures, the canvassing of the petition; relating to the conduct of elections, publishing of results, declaring the office vacant, jurisdiction of the Courts to compel performance of Act; relating to illegal signatures and false signing; and relating to corrupt practices and professional recallers."

By Longenecker, by request: A Bill for an Act entitled: "An Act relating to the letting of contracts for public works, and providing for the purchasing of materials and supplies in Montana to be used in Public Works and providing for the giving of a differential of five percent to persons, corporations or concerns who manufacture, produce or sell such materials and supplies in the State of Montana."

By Committee on Insurance, Johnson Chairman: A Bill for an Act entitled: "An Act providing for the countersigning by resident Agents of Insurance Companies doing business in this State, of all policies, bonds, duplicate policies or contracts of insurance or indemnity of any kind or character, or any general floating or group policies upon persons, property or against any insurable risk, located within the State of Montana, excepting herefrom rolling stock of Railroad Corporations and other common Carriers and property in transit, and excepting also herefrom Mutual Associations organized upon the assessment plan, fraternal benefit associating Rural Mutual Associations, and so-called 'Assessment Life Insurance Companies'; providing a penalty for violation, and repealing Section 6164 Revised Codes of Montana 1935, and all Acts and Parts of Acts in conflict herewith."



By Peterson of Sheridan, Tyler and Whaley: A Bill for an Act entitled: "An Act to amend Section 11 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of Montana of 1927 relating to gasoline exempted from payment of the gasoline tax."

By Metlen: A Bill for an Act entitled: "An Act to amend Section 4753 of the Revised Codes of Montana 1935, providing for the registration of County warrants and interest thereon."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 183 respectfully report as follows:

That House Bill No. 183 do pass and further recommend that House Bill No. 183 be referred to Committee on Appropriations for their consideration.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 120, respectfully report as follows: That House Bill No. 120 do pass.

HAIGHT, Chairman.

Report adopted.

The Committee on Printing reported the following House Bills correctly printed: House Bills Nos. 12, 73, 96, 85, 143, 163 and House Memorial No. 3.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 67, 88 and 82.

PETERSON of Pondera, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 59, respectfully report as follows: That House Bill No. 59 be amended as follows:

Amend line 5 of the title by striking out the word "himself" and in lieu thereof insert the word "employer."

Delete all of Section 3 and insert the following: "The amount of compensation that shall be paid will be regulated by two classifications defined as (a) and (b)."

(a) All men who have worked continuously for any one company or for any company or companies absorbed by that company shall be fully covered by the Plan elected by that company, providing such plan has the approval of the Industrial Accident Board.

(b) All men not continuously employed by any one company but who have been employed at this particular occupation within the State of Montana for a period of five years immediately preceding his death or disability. The total compensation due shall be recoverable from the employer who last employed the employee in the employment to the nature of which the disease was due and in which it was contracted. If, however, such disease was contracted while such employee was in the employment of a prior employer, the employer who is made liable for the total compensation as provided by this Section, may appeal to the board for an apportionment of such compensation among the several employers who since the contraction of such disease shall have employed such employee in the employment to the nature of which the disease was due. Such apportionment shall be proportioned to the time such employee was em-



ployed in the service of such employers, and shall be determined only after a hearing, notice of the time and place of which shall have been given to every employer alleged to be liable for any portion of such compensation. If the board finds that any portion of such compensation is payable by an employer prior to the employer who is made liable to the total compensation as provided by this Section, it shall make an award accordingly in favor of the last employer, and such award may be enforced in the same manner as an award for compensation.

All of Section 4 be deleted and the following be inserted:

#### DISEASES AND DEFINITION OF DISEASES

Disease Schedule	Process Column
(a) Silicosis	(a) Any industry or process involving exposure to silica dust.
(b) Poisoning by lead, mercury, zinc, arsenic, or phosphorus, their preparations or compounds.	(b) Any process involving the use of or exposure to lead, mercury, zinc, arsenic or phosphorus, their preparations or compounds.

Silicosis defined: Silicosis shall mean a fibratic condition of the lungs caused by the inhalation of silica dust sufficient to render the workman partially or totally incapable of following his regular occupation.

In Section 5, Line 3, after the word "pictures" insert the words "the cost of which X-ray pictures shall be a charge against the employer not to exceed \$50.00." After the word "pictures" strike out the words "paid for by himself".

In Section 6, Line 10, before the word "caused", insert the word "been". Line 12, Section 6, after the word "under", strike out "Plan No. 3", and in lieu thereof insert the words, "the plan which he wishes to elect."

Section 7, Line 25, after the word "accident" insert the words "or discovery of the occupational disease".

On Line 2, page 3, of Section 7, after the word "superintendent", strike out the following words "foreman, assistant foreman, safety first man, shift boss, timekeeper".

Line 4, page 3, after the word "engaged", strike out the words "at the time of the injury".

In Section 7, Line 6, page 3, strike out the paragraph beginning with the words "and, provided", and ending with the words "to such service"; and in lieu thereof insert a new Section numbered "8" to read as follows: "If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislative Assembly hereby declares that it would have passed this Act irrespective of the fact that any one or more Sections, sentences, clauses, phrases or words may be declared unconstitutional or invalid."

Section "8" shall be renumbered to read Section "9".

Section "9" shall be renumbered to read Section "10", and as amended do pass.

Report adopted.

FINNEGAN, Chairman.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 46, respectfully report as follows: That Senate Bill No. 46 be concurred in.

ACHER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 48 respectfully report as follows: That Senate Bill No. 48 be concurred in.

ACHER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 22 respectfully report as follows: That Senate Bill No. 22 be concurred in.

METLEN, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bill was this day read third time and concurred in, title and history agreed to, and same is herewith returned to the House: House Bill No. 84 by Judiciary Committee.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded, and carried unanimously, that the calling of absentees, as provided in Rule 23, Section 1, be suspended.

It was moved by Stromnes, duly seconded and carried, that consideration of House Bill No. 69 be passed for the day.

It was moved by Spiegel, duly seconded, and carried unanimously, that Third Reading of Senate and House Bills be passed for the morning Session.

It was moved by Trandum, duly seconded and carried, that consideration of House Bill No. 38, on general Orders, be passed for the day.

It was moved by Miller of Big Horn, duly seconded and carried, that consideration of Senate Bill No. 6 be passed for the day.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to Committees:

House Bill No. 187, introduced by Chamberlain and others: A Bill for an Act entitled: "An Act to amend Section 2169.2 of the Revised Codes of Montana 1935, relating to the time for payment and method of collecting taxes and the interest and penalty thereon." Referred to Committee on Revenue and Taxation.

House Bill No. 188, introduced by Brennan: A Bill for an Act entitled: "An Act to regulate and to license solicitors of wearing apparel for dyeing, cleaning or laundering to be so dyed, cleaned or laundered in Institutions outside the State of Montana and to provide penalties for the violation of any of the terms of this Act." Referred to Committee on Revenue and Taxation.

House Bill No. 189, introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act to amend Section 2952 of the Revised Codes of Montana of 1935, relating to Workmen's Compensation." Referred to Committee on Workmen's Compensation.

House Bill No. 190, introduced by Anderson of Phillips, by request: A Bill for an Act entitled: "An Act to require the Montana Liquor Control Board to increase the retail sale price of liquors sold under control of said Board and to provide that the proceeds therefrom be allocated to the General School Fund of the State and that the tax levy of the several School Districts for school purposes be limited to not exceed a levy of three mills." Referred to Committee on Revenue and Taxation.

House Bill No. 191, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act authorizing a Court or Judge to reduce the penalty of a bond previously given by an Executor or Administrator and providing for the filing of a new bond." Referred to Committee on Revenue and Taxation.

House Bill No. 192, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act relating to the bond of Guardianship and providing the manner in which letters of Guardianship may issue without bond." Referred to Committee on Judiciary.

House Bill No. 193, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 10204 of the Revised Codes of Montana 1935, relating to the sale of personal property in Probate Proceedings." Referred to Committee on Judiciary.

House Bill No. 194, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 10089 and 10096 of the Revised Codes of Montana 1935, relating to the bonds of Executors and Administrators, when such bonds shall be required and when such bonds may not be required." Referred to Committee on Judiciary.

House Bill No. 195, introduced by McKenna: A Bill for an Act entitled: "An Act providing for surrender of books, records, supplies, unfinished business, estates and property by Public Administrator upon expiration or termination of office, and allowing compensation for services partially performed." Referred to Committee on State Boards and Offices.

House Bill No. 196, introduced by Joffray: A Bill for an Act entitled: "An Act to regulate, license and authorize the sale of liquor at retail in the State of Montana; authorizing, empowering and directing the Montana Liquor Control Board to issue retail liquor licenses to persons qualified under this Act to sell liquor at retail; defining certain words and terms used in this Act; providing for a license tax and fixing the amount of license fees to be paid for said license; prescribing the hours during which liquor may be sold and the place, manner and conditions for the sale thereof; authorizing the sale of liquor to Licensees by State Liquor Stores; prohibiting the sale and/or traffic in liquor other than purchased at State Liquor Stores, and prohibiting the sale of liquor to minors and other designated persons; authorizing the Montana Liquor Control Board to prescribe and promulgate rules and regulations with statutory effect; providing for the suspension and revocation of licenses; providing for hearings by the Board and appeals from decisions thereof; providing for local option in the Counties in the State and holding elections in respect thereto; granting to the Montana Liquor Control Board strict regulation and control of licenses and licensees and declaring the policy of Law in the sale of liquor; providing for allocation of revenue derived from licenses; declaring this Act to be an emergency measure; and providing penalties for the violation of this Act." Referred to Committee on Revenue and Taxation.

House Bill No. 197, introduced by Elliott and Heavlin: A Bill for an Act entitled: "An Act creating the Montana State Forest and Conserva-

tion Experiment Station and providing for its organization; defining its duty and authority, and generally relating to its organization, functions, management and duties." Referred to Committee on Conservation of Resources.

House Bill No. 198, introduced by Alvord, Mitchell, Conner, Metcalf, Nelson, Jackson, Hamilton: A Bill for an Act entitled: "An Act to create and establish a "University of Montana Students' Loan Fund", regulating the care and investment thereof and providing for loans to Students." Referred to Committee on State Boards and Offices.

House Bill No. 199, introduced by Metcalf and Ruffcorn: A Bill for an Act entitled: "An Act levying a license tax upon all Corporations, Associations, or persons engaged in the business of severing gas from the soil; and prescribing the method of collecting the license tax; requiring all those engaged in the severance of such gas to make quarterly reports of their business; defining the word "Person" under this Act; allowing the tax provided for under Chapter 218 of the Revised Codes of Montana, 1935, to apply on the tax under this Act; providing penalties and to prescribe for the disposition of the funds so collected." Referred to Committee on Revenue and Taxation.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders and that Rule 22, Section 6, be observed and that there be no yielding of time.

Masterson in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (All amendments referring to the printed bills.)

That House Bill No. 146 do pass.

That Consideration of House Bill No. 55 be passed temporarily.

That House Bill No. 128 do pass.

That House Bill No. 49 do pass.

That House Bill No. 77 do pass.

That consideration of House Bill No. 131 be passed temporarily.

That consideration of House Bill No. 137 be passed for the day.

That House Bill No. 144 do pass.

That House Bill No. 145 do pass.

That consideration of House Bill No. 154 be passed temporarily.

MASTERTSON, Chairman.

It was moved by Masterson, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Toomey, duly seconded and carried, that House Bill No. 145 be segregated from the report of the Committee of the Whole. Whereupon the report of the Committee of the Whole was adopted as amended.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### COMMUNICATIONS AND PETITIONS

The following petition was read and on motion of Brennan, duly seconded and carried unanimously, the House granted said petition as read:



We, the undersigned, residents of Montana, respectfully petition the Legislative Assembly of the State of Montana that a law be enacted to permit the State Water Conservation Board of the State of Montana to construct P. W. A. Project No. 1114-R, Montana, known as the Sidney Pumping Project which will permit the successful irrigation of 4,680 acres of land in Montana and in order to make the project more economical it is desirable to include 2,100 acres of adjoining lands in North Dakota.

In support of which Petition we submit the following:

The water to be used for such irrigation will be taken from the Yellowstone River where there is an abundant water supply. It is desirable to irrigate such North Dakota lands in order to construct and operate said project on a most economical basis. All lands so irrigated are tributary to the City of Sidney, Montana.

Wherefore, we further petition that Section 7135 RCM, 1935, be amended to permit the construction of this project and the diversion of the necessary waters in the State of Montana or for the enactment of whatever legislation is necessary to permit such result.

J. P. BRENNAN, Sidney, Montana,  
MARGARET B. BRENNAN, Sidney, Montana,  
JOHN A. NELSON, Savage, Montana.  
J. M. LEXON, Sidney, Montana.  
WM. KING, Poplar, Montana.  
CLARENCE CHAMBERLAIN, Wolf Point, Montana.  
H. H. HESS, Havre, Montana.  
GEORGE S. McKENNA, Geyser, Montana.  
JOHN B. MADDOCK, Shelby, Montana.  
R. BAILEY STORTZ, Forsyth, Montana.  
H. A. LAMBERT, Havre, Montana.  
N. A. PETERSON, Valier, Montana.  
SENATOR A. R. ANDERSON, Sioux Pass, Montana.

#### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Goodwin, by request: A Bill for an Act entitled: "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities and for the incorporation of such annexed territory in and as a part of such municipalities, and for government and municipal control of annexed territory."

By Peterson of Sheridan, Tyler and Whaley: A Bill for an Act entitled: "An Act to amend Section 2381.20 of the Revised Codes of Montana, 1935, relating to gasoline exempted from payment of the gasoline tax."

By Bower: A Bill for an Act entitled: "An Act to amend Section 1759.5 of the Revised Codes of Montana, 1935, relating to the use of license plates on motor vehicles, trailers or semi-trailers."

By Padbury, by request: A Bill for an Act entitled: "An Act to amend Section 3722 Revised Codes of Montana, 1935, relating to the protection of beaver and to the issuance of permits for trapping and taking beaver and providing fees therefor; providing for the tagging of skins and the importation and exportation thereof; providing penalties for the violation of this Act and repealing all Acts and Parts of Acts in conflict therewith."

By Holecek: A Bill for an Act entitled: "An Act to amend Sections 1999 and 2000, Revised Codes of Montana of 1935, providing for the classification of taxable property in this State for the purpose of taxation; and providing the percentage of the true and full value of each class which shall

be taken and used as the basis for the imposition of the tax thereon; and to repeal Sections 2000.6 and 2000.7, Revised Codes of Montana of 1935, relating thereto."

By Holecek: A Bill for an Act entitled: "An Act to amend Section 4625 of the Revised Codes of Montana of 1935, relating to the rate of interest to be paid on registered County Warrants, reducing such interest rate from six percent to four percent per annum."

By Appropriation Committee, Manning, Chairman: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes as designated herein, for certain State Departments and Offices for the period beginning July 1, 1937 and ending June 30, 1939."

By Nelson, by request: A Bill for an Act entitled: "An Act to amend Section 3633.4 Revised Codes of Montana 1935, relating to grades of Potatoes and adding a new subdivision thereto, to be lettered (F)."

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 195 respectfully report as follows: That House Bill No. 195 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 94 respectfully report as follows: That House Bill No. 94 be amended as follows:

Section 8 (3) (a) beginning with the word "For" in line 25, strike out the rest of the paragraph and insert in lieu thereof the following:

"Provided that until such time as the Legislative Assembly shall provide adequate funds for the establishment of such reserves as are set up in this Act, such parts of this Act as deal with the reserves to be built up by contributions from the State shall be inoperative. Until such time as stated above the State shall pay to the teachers retired under this Act the amounts specified therein, provided, however that for each of the years beginning July 1, 1937 and July 1, 1938, the State's contribution shall not exceed the sum of \$155,000 per annum."

"Section 8 (5) (c) line 8 strike word "ten" and insert in lieu thereof the word "six." In Line 9 strike figures (\$10,000) and insert in lieu thereof the figures (\$6,000)."

Section 11 (1) line 16 strike word "five" and insert "two and one-half."

"Line 17 strike figure (5%) and insert (2½%).

"Line 24 strike word "five" and insert "two and one-half."

"Line 25 strike figure (5%) and insert (2½%).

"Section 16. Add: Provided, however, that this Section shall not be so construed as to make it mandatory upon the State to contribute a larger sum of money than specifically provided in Section 8, especially (3) (a) and Section 11 of this Act," and as amended be referred to Committee on Appropriations.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 147 respectfully report as follows: That House Bill No. 147 do not pass.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 28 respectfully report as follows: That House Bill No. 28 do not pass, but that Substitute House Bill No. 28, a Bill for an Act entitled: "An Act to amend Section 2215.9 of the Revised Codes of Montana, 1935, relating to the effect of tax deeds," do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 54 respectfully report as follows: That House Bill No. 54 be reported out without recommendation.

It was moved by Brayman, duly seconded, that House Bill No. 54 be printed and placed on General Orders. On substitute motion, it was moved by Anderson of Lincoln, duly seconded and carried, that action on House Bill No. 54 be indefinitely postponed.

Mr. Speaker: We, your Committee on Economy, having had under consideration House Bill No. 141, respectfully report as follows: That House Bill No. 141 be amended as follows:

Section 35 of the bill will become 37; section 36 of the bill will become 38; section 37 of the bill will become 39; adding new sections 35 and 36 to the bill.

Section 35. Veterans Definition. That the term "veterans" shall include all persons who shall have served in active service in and been honorably discharged from any of the armed forces of the United States, and shall include the widows of such persons and the wives of disabled veterans who themselves are not qualified, but whose wives are qualified to hold positions coming under the terms of this Act; provided that any such veteran to be entitled to the preference hereinafter provided for, shall, at the time of being placed upon an eligible list, have resided in the State of Montana for at least one (1) year immediately preceding such registration.

Section 36. Veterans Preference. Any veteran shall be given five (5) points in addition to his earned ratings in examinations for entrance to the classified or unclassified service; but any veteran coming within the following classification shall be given ten (10) points in addition to his earned ratings in such examinations:

1. Veterans who establish by official records, the present existence, of a service-connected disability.

2. Veterans over fifty-five (55) years of age who, because of disability, whether service-connected or not, are entitled to pension or compensation under existing laws of Congress.

3. Wives of veterans named in the foregoing paragraphs 1 and 2, if the wives are qualified and if the veterans, because of disability, are not qualified.

4. Widows of veterans.

5. Retired officers and enlisted men who establish through official sources the present existence of a service-connected disability in the same manner as is required of others granted disability preference.

Age limitations and physical requirements may be waived by the commission under regulations to be adopted by it.

In examinations where experience is an element of qualification, the applicant may receive credit under proper conditions for time spent in active service with the armed forces of the United States.

Quarterly examinations shall be held for the benefit of persons entitled to the ten (10) point preference.

An appointing officer who shall pass over the name of a preference eligible and select that of a person not granted preference and having the same or a lower rating, must immediately file with the said commission a written statement of his reasons for passing such eligible; and such eligible shall have the right to appeal to the commission from such action of the appointing officer and upon such appeal the commission shall enter and shall have the power to enforce an order in conformity with its findings.

In case of reductions in force, such reductions shall be made consistently with the preference established by this Act.

There shall be no time limit for the reinstatement by appointment of a former classified employee entitled to preference under this Act.

For rating purposes veterans shall be given the same examination as other applicants and the points to which such applicant shall be entitled under the provisions of this Act, shall be added to his rating and the eligibles having the veteran's preference shall be placed at the head of the eligible list. And as amended do pass.

PETERSON of Sheridan, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 45 respectfully report as follows: That Senate Bill No. 45 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 18 respectfully report as follows: That Senate Bill No. 18 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 33 respectfully report as follows: That Senate Bill No. 33 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 150 respectfully report as follows: That House Bill No. 150 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 189 respectfully report as follows: That House Bill No. 189 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 134 respectfully report as follows: That House Bill No. 134 do pass.

METLEN, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bill Nos. 144, 128, 77, 49 and 112.

PETERSON of Pondera, Chairman.

Report adopted.

The Speaker signed the following bills in Open Session: Senate Bills Nos. 27 and 25.



## MOTIONS AND RESOLUTIONS

It was moved by Brennan, duly seconded and carried, that Senate Bill No. 36 be taken from Third Reading and placed on General Orders.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees: (All appropriation measures having been read at length.)

House Bill No. 200, introduced by Lambert: A Bill for an Act entitled: "An Act providing for persons entering into a written contract with a public school or an institution of higher learning supported by public funds to subscribe to the oath contained in Section 1 of Article XIX of the Constitution of Montana and providing that such oath be printed or written on such contract; and providing for the repeal of Sections 1327.1 and 1327.2 of the Revised Codes of Montana of 1935." Referred to Committee on Education.

House Bill No. 201, introduced by Shanley: A Bill for an Act entitled: "An Act to appropriate money for the purpose of purchasing equipment and furnishings and installing same at the School for Deaf and Blind at Great Falls and for moving expenses and for building a field house." Referred to Committee on Appropriations. (This bill introduced without previous notice.)

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 56 failed to pass by the following vote:

Ayes: Acher, Anderson (Lincoln), Campbell, Chatham, Crouse, Cruickshank, D'Ewart, Dougherty, Eggenberger, Elliott, Heavlin, Hedden, Hoiness, Ijams, Joffray, Lehrkind, Longenecker, Love, Lovell, Manning, Metlen, Miles, Miller (Big Horn), Minette, Monahan, Mungas, O'Connor, Padbury, Phelan, Shanley, Sherman, Stromnes, Toomey, Wenger. Total 34.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cusick, Daly, DeDobbeleer, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Holecek, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 62.

Absent and not voting: Lemmer, Levissee, Smith, Trandum. Total 4.

Passed their vote: Finnegan, Lippard. Total 2.

House Bill No. 67 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 89.

Noes: Minette, O'Connor, Padbury, Parker. Total 4.

Absent and not voting: Conner, Crouse, Holecek, Joffray, Lehrkind, Lemmer, Levissee, Smith, Stromnes. Total 9.

House Bill No. 88 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Haight, Hamilton, Heavlin, Hedden, Hoiness, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 69.

Noes: Anderson (Silver Bow), Burns, Campbell, Chatham, Cohen, Cusick, Finnegan, Freshman, Goodwin, Hardcastle, Hess, Holecek, Ijams, Kelson, Lambert, Lovell, McClain, McKenna, McLeod, Mackie, Mitchell, Monahan, Mulholland, Spiegel, Stimatz, Stortz, Toomey. Total 27.

Absent and not voting: Green, Haugan, Joffray, Lemmer, Levissee, Smith. Total 6.

House Bill No. 82 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Hedden, Hoiness, Ijams, Lasby, Lehrkind, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Shanley, Sherman, Spiegel, Stromnes, Toomey, Trandum, Wenger, Mr. Speaker. Total 61.

Noes: Anderson (Phillips), Bloom, Chamberlain, Conner, Crouse, Haight, Hamilton, Heavlin, Hess, Holecek, Jackson, Johnson, Kelson, Kruse, Lambert, Leeson, Love, Miller (Roosevelt), Miller (Big Horn), Mungas, O'Connor, O'Shea, Peterson (Sheridan), Reed, Scofield, Scott, Sorte, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wood. Total 33.

Absent and not voting: Green, Haugan, Joffray, Lemmer, Levissee, Metlen, Smith, Whaley. Total 8.

House Bill No. 112 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 86.

Noes: Brennan. Total 1.

Absent and not voting: Campbell, Dougherty, Green, Haight, Haugan, Hedden, Holecek, Joffray, Lemmer, Levissee, Minette, Smith, Stimatz, Vanek, Whaley. Total 15.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Masterson in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (amendments refer to the printed bill.)

That House Bill No. 131 do pass.

That House Bill No. 145 be amended as follows:

Amend the title to read as follows: A Bill for an Act entitled: "An Act to amend Section 884 of the Revised Codes of Montana of 1935 by adding a new subsection thereto to be numbered Subsection 12 relating to the duties of the Montana State Bureau of Mines and Geology, providing for field examinations and payment of expenses therefor."; Amend Section 1 by striking out all of lines 1 and 2 after the word "That" in line 1 and inserting in lieu thereof the following: "Section 884 of the Revised Codes of Montana of 1935 be and the same is hereby amended to read as follows: Section 884. Objects and Duties of Bureau. The bureau shall have for its object and duties the following:

1. To collect, to compile, and to publish statistics relative to Montana geology, mining, milling and metallurgy.

2. To collect typical geological and mineral specimens and sample of products; to collect photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana.

3. To collect a library and a bibliography of literature pertaining to or useful for the progress of geology, mining, milling, and smelting in Montana.

4. To study the geological formations of the state, with special reference to their economic mineral resources, both metallic and non-metallic.

5. To examine the topography and physical features of the state with reference to their practical bearing upon the occupation of the people.

6. To study the mining, milling, and smelting operations carried on in the state, with special reference to their improvement.

7. To prepare and to publish bulletins and reports, with necessary illustrations and maps, which shall embrace both a general and a detailed description of the natural resources and geology, mines, mills and reduction plants of the state.

8. To make qualitative examinations of rocks and mineral samples.

9. To consider such other scientific and economic problems as in the judgment of the state board of education are of value to the people of the state.

10. To communicate special information on Montana geology, mining and metallurgy.

11. To cooperate with the other departments of the University of Montana, with the state mine inspector, and with other departments of the state government as may be mutually beneficial; and to cooperate with the United States geological survey and with the United States



bureau of mines, in accordance with the regulations of those institutions. And as amended do pass.

That House Bill No. 142 do pass.

That House Bill No. 154 do pass.

That Senate Bill No. 37 be concurred in.

That Senate Bill No. 38 be concurred in.

That House Bill No. 55 be amended as follows: Amend Section 1, Page 2, by striking out all words in line 37, after the word "county" to line 41, including the words "United States" and by inserting in line 46 after the word "forth" the following words, "and in every judicial district of the State of Montana not in excess of two counties, in which the population of the county, or the aggregate population of the counties comprising the same is in excess of 40,000 as determined upon the basis of the last current census taken under the direction of the Congress of the United States, and the judge or judges thereof who have jurisdiction, if in their opinion the circumstances require two persons to serve as Deputy Probation officers who shall receive not to exceed one hundred twenty-five dollars (\$125.00) per month each"; and further amend said section, Page 6, by adding another paragraph after line 196 to read as follows. "That in a judicial district consisting of two counties, in which the population of the county, or the aggregate population of the counties, comprising the same is in excess of forty thousand (40,000) as determined upon the basis of the last current census taken under the direction of the Congress of the United States, said two Deputy Probation Officers shall not be stationed in the same county.", and as amended do pass.

That Senate Joint Memorial No. 3 be concurred in.

That Senate Amendments to House Bill No. 29 be not concurred in and that a Conference Committee be appointed by the House and a like Committee requested from the Senate.

That consideration of Senate Amendments to House Bill No. 17 be passed for the day.

That Senate Bill No. 45 be concurred in.

That Senate Bill No. 33 be concurred in.

That Senate Bill No. 18 be concurred in.

That House Bill No. 12 do pass.

That the enacting clause be stricken from House Bill No. 73.

That Senate Bill No. 36 be amended as follows: Amend the amendment made by the Committee on Employment on page 2 of the engrossed bill as follows: Strike out in line 13 after the first word "the" the words "first assistant sergeant-at-arms of the House of Representatives, the second" and by adding an "s" to the word "assistant" and the word "sergeant" in line 14 and an "s" to the word "clerk in line 16; and in line 28 after the word "doorkeepers", the words "assistant doorkeepers," and as amended be concurred in.

MASTERSON, Chairman.

It was moved by Masterson, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Measure, duly seconded, that House Bill No. 73 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number and the motion lost by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bower, Brayman, Burns, Chamberlain, Cusick, D'Ewart, Haight, Hess, Holecek, Johnson, Kruse, Lambert, Lippard, Lovell, McLeod, Manning, Masterson, Measure, Metcalf, Monahan, Mulholland, Sherman, Sorte, Spiegel, Stortz. Total 29.

Noes: Anderson (Chouteau), Anderson (Phillips), Bloom, Brennan, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dough-



erty, Eggenberger, Elliott, Finnegan, Freshman, Green, Hamilton, Harcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Kelson, Lasby, Leeson, Lehr-kind, Longenecker, Love, McClain, McKenna, Mackie, Metlen, Miles, Miller (Big Horn), Mitchell, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Stimatz, Toomey, Trandum, Tyler, Vanek, Wal-drop, Wenger, Whaley, Wood, Mr. Speaker. Total 62.

Absent and not voting: Acher, Chatham, Goodwin, Heavlin, Joffray, Lemmer, Levissee, Miller (Roosevelt), Minnette, Smith, Stromnes. Total 11.  
Whereupon report of the Committee of the Whole was adopted.

### MOTIONS AND RESOLUTIONS

House Resolution introduced by Metlen, Hamilton, Cruickshank, Kruse, Lasby, Scofield, Stortz and Minnette: A Resolution directed to the Custodian of the State Capitol looking to the transfer to other quarters of the lunch counter and merchandising stand heretofore and now situated in the main lobby of the Capitol Building.

#### BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS, In past legislative sessions and in the present session a merchandising stand and lunch counter has been and is now located in the main lobby of the state capitol building, and

WHEREAS, The location of said stand is such that the same is called to the attention of all visitors to the said State Captiol both resident and non-resident, and

WHEREAS, At frequent intervals during the day and evening and particularly during the session of the Legislative Assembly, crowds congregate at said place; litter and rubbish is scattered about the floor, creating an unsightly condition; papers and containers are strewn about the premises and liquids are spilt on the floors and steps; thus, creating not only a very unsightly condition which necessarily leaves a bad impression upon citizens of the state and non-residents of the state who have occasion from time to time to transact business in the State Capitol, and also creates a hazardous condition in that personal injury may at any time result to persons in said capitol building as a direct consequence thereof; now therefore be it hereby,

RESOLVED, That the custodian of the state capitol building be hereby requested to ascertain whether or not said lunch and merchandising stand is occupying quarters by virtue of any lawful concession granted to it by the proper authorities or by virtue of compliance with any requisition presented to the State Board of Examiners therefor, and if not, be it further,

RESOLVED, That said custodian of the State Capitol be requested to ascertain whether or not any other reasonably suitable quarters can be provided for said lunch and merchandising stand and if so, that said lunch and merchandising stand be transferred to other quarters in the State Capitol building and be granted space and permitted to operate under such rules and regulations as the Governor or custodian of the State Capitol may direct.

On motion of Metlen, duly seconded and carried, the above resolution was adopted.

The Speaker announced the Committee to investigate the gambling conditions in Silver Bow County as follows: Metlen, Stromnes and Eggenberger.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M. Saturday, February 6th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### THIRTY-FOURTH DAY

House of Representatives,  
Helena, Montana  
February 6th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Anderson (Lincoln), Eggenberger, Levissee, Smith and Stimatz.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-third Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Bower: "An Act amending Section 5736 of the Revised Codes of Montana, 1935, relating to the causes for divorce; and amend Section 5736 of the Revised Codes of Montana, 1935, by adding thereafter a Section to be known as 5736.1 relating to incurable insanity; and repealing all Acts and parts of Acts in conflict herewith."

By Whaley: "An Act to amend Section 2235 of the Revised Codes of Montana, 1935, relating to the sale of unredeemed property by County Commissioners."

By Whaley: "An Act to repeal Section 2208.1 of the Revised Codes of Montana, 1935, relating to the sale, leasing, exchanging, and for quieting title to lands acquired by any county by tax deed."

By Kruse: "An Act to amend Section 566 and to repeal Sections 594, 495 and 633 of the Revised Codes of Montana, 1935, all relating to the posting of notices in connection with the closing of registration books and the holding of primary nominating and other elections."

By Committee on Labor, Mulholland, Chairman: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 1 of Article XVIII, relating to agriculture, labor and industry."

By Lehrkind, Minette and Joffray: A Bill for an Act creating a State Park Commission and providing a Superintendent therefor; fixing the salary for the Superintendent and authorizing the employment of additional help; providing rules and regulations for the development, maintenance, upkeep and management of State Parks; providing for the acceptance of gifts, grants and bequests, establishing a trust fund and the manner of the payment therefrom; providing police power for employees within state parks; providing penalties; making an appropriation to carry out provisions of this Act.

By Mungas, D'Ewart and Miller (Big Horn): A Bill for an Act entitled: "An Act to amend Section 1741.9 of the Revised Codes of Montana of 1935,

relating to arrest by highway patrolmen and empowering therein patrolmen to stop motor vehicles transporting livestock or livestock products and take possession of the same whenever they have good reason to believe such are stolen."

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 129, 138, 164, 166 and 168.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 12, 131, 142, 146 and 154.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 140, respectfully report as follows: That House Bill No. 140 be amended as follows:

Amend Section 15, page 9, line 5, by striking out the words and figures "ten dollars (\$10.00)" and inserting in lieu thereof the words and figures "one dollar (\$1.00)."

Amend line seven, page 9, by striking out the words and figures "ten dollars (\$10.00)" and inserting in lieu thereof the words and figures "one dollar (\$1.00)".

Amend on page 9, by striking out in its entirety line 10, and striking out in line 11, page 9, the words "the case of a mining lease."

And as amended do pass.

MILLER (Big Horn), Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day recommended for non-concurrence in the Senate, reports adopted, and bills are herewith returned to the House: House Bills Nos. 47 and 60.

The following Senate Bill was this day read third time and passed, title and history agreed to, and bill is herewith transmitted to the House for concurrence: Senate Bill No. 56.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills No. 44, 81 and 97 and House Joint Resolution No. 1.

House Bill No. 7, was this day recommended for non-concurrence in the Senate, report adopted, and bill is herewith returned to the House.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that Third Reading of House Bills be passed for the day.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

House Bill No. 202, introduced by Nelson, by request: A Bill for an Act entitled: "An Act to amend Section 3633.4, Revised Codes of Montana, 1935, relating to grades of potatoes and adding a new subdivision thereto, to be letter (F)." Referred to the Committee on Horticulture.

House Bill No. 203, introduced by Metien: A Bill for an Act entitled: "An Act amending Section 4753, Revised Codes of Montana, 1935, providing for the registration of county warrants and interest thereon." Referred to the Committee on Townships and Counties.

House Bill No. 204, introduced by Peterson (Sheridan): A Bill for an Act entitled: "An Act to amend Section 2381.20 of the Revised Codes of Montana, 1935, relating to gasoline exempted from payment of the gasoline tax." Referred to the Committee on Agriculture.

House Bill No. 205, introduced by Committee on Judiciary, by request: A Bill for an Act to amend Section 10279 of the Revised Codes of Montana of 1935 relating to the curing of defects in sales of lands and personal property by executors, administrators and guardians. Referred to the Committee on Judiciary.

House Bill No. 206, introduced by Committee on Judiciary, by request: A Bill for an Act to amend Section 10204 of the Revised Codes of Montana of 1935 providing the manner of sale of personal property in probate proceedings. Referred to the Committee on Judiciary.

House Bill No. 207, introduced by Committee on Judiciary, by request: A Bill for an Act amending Section 10376 of the Revised Codes of Montana of 1935 relating to the powers of Clerks of the District Courts to issue notices, orders, and hold hearings in probate and guardianship matters and providing for the modification or setting aside of any notices or orders so made. Referred to the Committee on Judiciary.

House Bill No. 208, introduced by Brayman, Miller (Roosevelt) and Chamberlain: A Bill for an Act entitled: "An Act to amend Section 4536 of the Revised Codes of Montana of 1935, relating to the burial of deceased soldiers, sailors and marines by providing that payment by the county shall apply to all veterans regardless of financial status." Referred to the Committee on Townships and Counties.

House Bill No. 209, introduced by Committee on Insurance: A Bill for an Act entitled: "An Act providing for the countersigning by resident agents of insurance companies doing business in this state, of all policies, bonds, duplicate policies or contracts of insurance or indemnity of any kind or character, or any general floating or group policies upon persons, property or against any insurable risk, located within the State of Montana, excepting herefrom rolling stock of railroad corporations and other common carriers and property in transit, and excepting also herefrom mutual associations organized upon the assessment plan, fraternal benefit associating rural mutual associations, and so-called 'assessment life insurance companies'; providing a penalty for violation, and repealing Section 6164, Revised Codes of Montana of 1935, and all Acts and parts of Acts in conflict herewith." Referred to the Committee on Insurance.

House Bill No. 210, introduced by Minette: A Bill for an Act entitled: "An Act directing the Superintendent of Public Instruction to make a health



study of children enrolled in the public schools and a study of the educational facilities for handicapped and exceptional children; providing for the appointment of two specialists to assist in making such study; providing for the preparation of an educational program pursuant to the findings of such study; providing that the Superintendent of Public Instruction shall make regulations for the successful operation of this Act; and appropriating \$10,000 annually from the Public General Fund for the payment of salaries of such specialists and other expenses necessarily incurred in making such study and amending Sections 1200.1 and 1200.9 of the Revised Codes of Montana, for 1935, so as to conform thereto." Referred to the Committee on Public Health and Sanitary Affairs.

House Bill No. 211, introduced by Minette: A Bill for an Act entitled: "An Act relating to the licensing of persons operating motor vehicles on the highways of the state; defining the term motor vehicles and all other terms and words used in this Act: Providing for the issuance of drivers' licenses, who shall be exempt therefrom and persons to whom licenses shall not be issued and placing restrictions on drivers of certain vehicles and the issuance of temporary licenses; prescribing forms of applications for licenses, the form and duration of licenses, the exhibition thereof and the fees to be charged therefor; providing for an examination of applicants and records to be kept; providing for cancellation, suspension, revocation and/or surrender of licenses, and for appeals to the court from a denial of license or from the cancellation, suspension revocation thereof; prohibit driving vehicles while license is suspended or revoked; providing penalties for the violation of this Act and repealing Section 1741.11 of the Revised Codes of Montana, 1935 and all Acts and parts of Acts in conflict herewith." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 212, introduced by Anderson (Phillips): A Bill for an Act entitled: "An Act designating speed restrictions on the highways of the State of Montana." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 213, introduced by Hamilton: A Bill for an Act entitled: "An Act to amend Section 2505 of the Revised Codes of Montana of 1935 relating to the employment of school nurses and providing therein: For the employment of school physicians; requiring a physical examination of each child enrolled in the public schools except as hereinafter provided; providing that a child suffering from a contagious disease may be sent home from school; and providing that School Boards and County Commissioners shall furnish treatment to cure defective school children whose parents are unable to do so." Referred to the Committee on Public Health and Sanitary Affairs.

House Bill No. 214, introduced by Longenecker, by request: An Act relating to the letting of contracts for public works, and providing for the purchasing of materials and supplies in Montana to be used in public works and providing for the giving of a differential of five per cent to persons, corporations or concerns who manufacture, produce or sell such materials and supplies in the State of Montana. Referred to the Committee on Economy.

House Bill No. 215, introduced by Stortz and Masterson: A Bill for an Act entitled: "An Act providing for the recall of elective public officers in the State of Montana; relating to the cause for such recall; providing for the percentages necessary on the petition of recall; relating to the formation and filling of charges; relating to the ballot synopsis of charges, the form of petition, the certificate of precinct officers, the size of petition, the checking of petition, the names necessary, the contributions and ex-

penditures, the canvassing of the petition; relating to the conduct of elections, publishing of results declaring the office vacant, jurisdiction of the courts to compel performance of Act; relating to illegal signatures and false signing; and relating to corrupt practices and professional recallers." Referred to the Committee on Judiciary.

House Bill No. 216, introduced by Hoiness: A Bill for an Act entitled: "An Act amending Section 587 of the Revised Codes of Montana, 1935, relating to the judges of election, appointment; providing for double boards of election judges and relating to their powers and duties." Referred to the Committee on Privileges and Elections.

House Bill No. 217, introduced by Padbury, by request: A Bill for an Act entitled: "An Act to amend Section 3722, Revised Codes of Montana, 1935, relating to the protection of beaver and to the issuance of permits for trapping and taking beaver and providing fees therefor: Providing for the tagging of skins and the importation and exportation thereof: Providing penalties for the violation of this Act and repealing all Acts and parts of Acts in conflict therewith." Referred to the Committee on Fish and Game.

House Bill No. 218, introduced by Lippard and Anderson (Chouteau): A Bill for an Act entitled: "An Act relating to the re-issuance of contracts for tax deed lands and providing the conditions upon which such contracts shall be reissued." Referred to the Committee on Townships and Counties.

House Bill No. 219, introduced by Goodwin, by request: A Bill for an Act entitled: "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities and for the incorporation of such annexed territory in and as a part of such municipalities, and for government and municipal control of annexed territory." Referred to the Committee on Affairs of Cities.

Senate Bill No. 56, introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act providing for the establishment, regulation, supervision, licensing and bonding of livestock markets, and prescribing a penalty for violations thereof." Referred to the Committee on Livestock and Public Ranges.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 33 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Harcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: Lambert, Lovell and Toomey. Total 3.

Absent and not voting: Anderson (Lincoln), Brennan, Eggenberger, Freshman, Green, Holecek, Levissee, Longenecker, Metlen, Minette, Shanley, Smith, Stimatz, Stromnes. Total 14.

Senate Bill No. 37 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minnette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 84.

Noes: Kelson, Love, Padbury. Total 3.

Absent and not voting: Anderson (Lincoln), Brennan, Eggenberger, Freshman, Holecek, Joffray, Levissee, Miles, O'Connor, Shanley, Smith, Stimatz, Stortz, Stromnes, Waldrop. Total 15.

Senate Bill No. 38 was concurred in by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Kelson, Love, Padbury. Total 3.

Absent and not voting: Acher, Anderson (Chouteau), Anderson (Lincoln), Eggenberger, Freshman, Green, Holecek, Joffray, Levissee, Lovell, Minette, Shanley, Smith, Stimatz, Stortz, Stromnes. Total 16.

Senate Bill No. 45 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 86.

Noes: None.

Absent and not voting: Anderson (Lincoln), Bloom, Eggenberger, Freshman, Green, Holecek, Joffray, Levissee, Lovell, Minette, Shanley, Smith, Stimatz, Stortz, Stromnes, Vanek. Total 16.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion, requests the House to return



House Bill No. 7 to the Senate for further consideration.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded, that the request of the Honorable Senate for the return of House Bill No. 7 be granted. On substitute motion, it was moved by Minette, duly seconded, that action on request be postponed until the afternoon session. Motion was lost.

Minette then moved, on substitute motion, that action on the request of the Senate be indefinitely postponed. A roll call was demanded by the required number and the motion was lost by the following vote:

Ayes: 28, Noes: 58, Absent and not voting: 16.

Whereupon motion to grant the request of the Senate was carried.

A Resolution of Condolence on the death of the father of Andrew Eggenberger was read and adopted and copy of the same sent to Mr. Eggenberger.

House Resolution No. 7  
Introduced by Kelson.

A Resolution entitled: A Resolution to provide for the appointment of a House Committee to investigate alleged violations of the State Gambling Law in the City of Helena.

### BE IT RESOLVED BY THE HOUSE OF THE STATE OF MONTANA:

WHEREAS, it is alleged that violations of the state gambling law in the city of Helena is a matter of common knowledge; and

WHEREAS, it is alleged that such open and notorious violations are being tolerated by the enforcement officers of the city of Helena and of the county of Lewis and Clark: therefore

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislative Assembly that the Speaker of the House appoint a committee of three members to make and conduct such investigation as said committee may deem advisable; that the committee be empowered to issue subpoenas to compel the attendance of any and all witnesses necessary in the furtherance of the investigation and the committee is further authorized and empowered to require the Sheriff of Lewis and Clark County to serve the subpoenas issued by it.

BE IT FURTHER RESOLVED that the said committee after making such investigation to report to the House of Representatives: First: Whether or not any establishment in the city of Helena is now openly violating the law in regard to gambling. Second: Whether or not any violations of the state gambling laws are being tolerated by the law-enforcement officers.

On motion of Kelson, duly seconded and carried, the above Resolution was adopted.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Monahan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (Amendments referring to the printed bills.)

That House Bill No. 69 do pass.

That consideration of House Bill No. 137 be passed for the day.

That House Bill No. 96 do pass.

That House Bill No. 85 do pass.

That House Bill No. 143 be amended as follows: Strike out all of the remainder of Section 1 after the word "wearing" in line 3 and inserting in lieu thereof the following: "a cap or hat, shirt, jacket, coat or sweater of a bright red color." And as amended do pass.

That House Bill No. 163 do pass.

That the enacting clause be stricken from House Bill No. 162.

That House Bill No. 9 do pass.

That House Memorial No. 3 do pass.

That consideration of Senate Amendments to House Bill No. 17 be passed for the day.

That consideration of Senate Bill No. 6 be passed for the day.

That Senate Bill No. 46 be concurred in.

That Senate Bill No. 48 be concurred in.

That Senate Bill No. 22 be concurred in.

That consideration of House Bill No. 38 be passed temporarily.

MONAHAN, Chairman.

Report adopted.

The Speaker signed in Open Session Senate Bill No. 20.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M., Monday morning, February 8th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### THIRTY-SIXTH DAY

House of Representatives,  
Helena, Montana  
February 8th, 1937.

House convened, pursuant to adjournment at 11:00 A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members were present except the following who were excused: Stromnes and Toomey.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-fourth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following:

By Lasby: "An Act amending Section 1759.5 of the Revised Codes of Montana, 1935, requiring the use of license plates on motor vehicles; defining certain regulations pertaining to license plates; relating to fictitious license plates; relating to use of license plates other than those provided by law."

By Toomey: "An Act to amend Chapter 272 of the Political Code of the Revised Codes of the State of Montana of 1935, relating to the regula-

tion of the practice of pharmacy; by repealing Section 3172 of the Revised Codes of Montana of 1935; and amending Sections 3174 and 3175 and 3177 of the Revised Codes of Montana of 1935; and by the addition to said Chapter 272 of two new Sections to be known as Sections 3174.1 providing for the revocation or suspension of pharmacists or licensees and enumerating causes therefor, providing for opportunity of such persons to be heard and provisions for the requirement of attendance of witnesses and punishment for disobedience; and 3174.2 of the Revised Codes of Montana of 1935 granting power to the Board of Pharmacy supervision over sales of drugs and medicines in towns having no registered pharmacists; and by amending Sections 3181, 3183 and 3184 of the Revised Codes of Montana of 1935; by re-enacting Sections 3202.7 and 3202.8 of the Revised Codes of Montana of 1935 and amending Section 3202.10 of the Revised Codes of Montana of 1935, all relating to the regulation of the practice of pharmacy, and repealing all Acts and parts of Acts in conflict herewith."

By Committee on Appropriations, Manning, Chairman: "An Act to appropriate money for the operation and maintenance, and other purposes, as designated herein, for certain State Departments, Boards, Bureaus and Commissions for the period beginning July 1, 1937, and ending June 30, 1939."

By Shanley and Lemmer: A Bill for an Act entitled: "An Act authorizing counties to construct and maintain projects protecting rivers, streams and creeks from pollution; authorizing Boards of County Commissioners to incur indebtedness therefor, providing the method of spending said money and the repayment thereof; empowering counties to accept federal aid from any federal agency; authorizing the State Highway Commission and the State Fish and Game Commission to contribute to the cost and maintenance of such projects under conditions specified in this Act, and authorizing counties to procure land necessary for said projects."

By Cusick: "An Act for the submission to the qualified electors of the State of Montana of an Amendment to Section six (6) of Article Five (5) of the Constitution of the State of Montana relating to the time the Legislative Assembly shall meet."

By Committee on Judiciary: A Bill for an Act entitled: "An Act amending Section 2208.1 of the Revised Codes of Montana of 1935, relating to the sale of tax deed lands, the terms of such sale, the taxation of lands so sold, and providing for lease and exchange of tax lands, and repealing Section 2235 of the Revised Codes of Montana of 1935."

By Chamberlain, Miller (Roosevelt), Sorte, Stortz, Burns, DeDobbeleer, McKenna, Metcalf, Hess and Anderson (Chouteau): "An Act making it mandatory upon the State Highway Commission to perform all highway construction work within the State of Montana, directly under the supervision of the Highway Commission by employing all labor on a "day labor basis," and providing further that the Highway Commission shall furnish all equipment and materials for the performance of said work and providing a penalty and forfeiture for failure to carry out the provisions of this Act."

My McKenna, by request: A Bill for an Act entitled: "An Act to repeal Section 9797, relating to costs of demurrer or motion."

By Eggenberger, by request: A Bill for an Act entitled: "An Act creating a County Board of Education, defining its membership, term of Office, duties and powers, providing for the employment of a Music Supervisor; providing manner in which third class school districts may appoint a district supervisor, curtailing the supervision of the County Superintendent of such districts; defining the qualifications of a County Superintendent of Schools, defining the duties of a County Superintendent, the duties of trustees and the duties of principals and teachers, and repealing all Acts and parts of Acts in conflict herewith."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Education, having had under consideration Senate Bill No. 5, respectfully report as follows: That Senate Bill No. 5 be concurred in.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 200, respectfully report as follows: That House Bill No. 200 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 80, respectfully report as follows: That House Bill No. 80 be amended as follows:

Amend the title of the bill by striking out the hyphen between the words "Tax-Organizations" and inserting in lieu thereof a comma, and striking out the word "from" and inserting in lieu thereof the word "therefrom." On Page 3, line 6, by striking out all of sub-division Eleven, and inserting in lieu thereof the following: "Eleventh. Labor, agricultural or horticultural cooperatives organized and operated on a cooperative basis; (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 6 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done with the United States, State of Montana or its political subdivisions shall be exempt under this act. And as amended, do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 165 respectfully report as follows: That House Bill No. 165 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 209, respectfully report as follows: That House Bill No. 209 be amended as follows:

By striking out in Line 6 of the Title the word "persons."

By inserting in Line 7½ of the Title after the word "herefrom" the words "Life Insurance Companies."

By striking out in Section 1, Line 13 the word "life" and in Line 20 the words "persons or."

By inserting in Section 1, Line 21 after the words "any insurable" the word "property."

By striking out in Section 1, Line 21 the word "resident," in Line 30 the word "persons," in Line 31 the word "resident," and on Page 2, Line 2, the words "or persons."

By striking out in Section 3, Line 30 the words "life insurance companies."

And as amended, do pass.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 157, respectfully report as follows: That House Bill No. 157 do pass.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 216, respectfully report as follows: That House Bill No. 216 do pass.

BJORNEBY, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Substitute Senate Bill No. 3, Senate Bills Nos. 19, 41, 53, 57, and 59.

The following House Bill was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in the Senate amendments. House Bill No. 64.

The following House Bill was this day recommended for non-concurrence in the Senate, report adopted, and bill is herewith returned to the House: House Bill No. 109.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

##### House Resolution

##### Introduced by Stimatz

A Resolution requesting the Speaker of the House of Representatives to appoint a committee to investigate the violations of election laws in Silver Bow County and to investigate the County Attorney's office in order to ascertain the reason or reasons why appropriate action has not been taken to apprehend the violators of the election laws.

WHEREAS, it is common knowledge that the election laws have been violated by the election judges and clerks in cooperation with election racketeers of Silver Bow County, and it is common knowledge that the laws



are openly violated and defied with the aid of higher ups of the Judicial Department, that a committee be authorized and empowered to investigate the said Judicial Department, the Department of County Attorney, or any department that may have any information of law violations in any respect. That the committee be empowered to make an investigation of any said places known or purport to be doing illegal business in Silver Bow County, and

WHEREAS, the Supreme Court has issued orders to abate certain notorious establishments for one year for certain offenses, it is common knowledge that the said establishments have disregarded the order of the Supreme Court and the same illegal business is now carried on in defiance of the law and in defiance of said order of the Supreme Court;

THEREFORE, BE IT RESOLVED, That the Speaker of the House of Representatives of the Twenty-fifth Legislative Assembly do appoint a committee of five members of this body to investigate any and all violations of the election laws in Silver Bow County and that the committee be authorized and empowered to inspect by opening all of the election returns and to audit the same to ascertain the vote actually voted for any and all candidates in general and primary elections of the year 1936, in the event that irregularities are evident according to the record established by such recount conducted by this committee and the record established by such judges and clerks of election in Silver Bow County, that said committee be authorized and empowered to require the attendance of any and all witnesses necessary for the performance of its duties, and said committee is authorized and empowered by its chairman to issue subpoenae to require the attendance of any person or persons to testify under oath and to procure for examination by said committee any books, papers and other documentary evidence of any nature or character under the control of such person or persons, and said committee is authorized and empowered to require the sheriff of any county of the State of Montana to serve subpoenae issued by it, and said committee is authorized and empowered to employ necessary clerical help and necessary legal aid in ascertaining the facts desired and to incur such expenses as may be necessary to properly make such investigation, and

BE IT FURTHER RESOLVED, That the committee be authorized and empowered and made its duty to engage some vigorous prosecuting attorney with assurance that he will prosecute and convict any and all persons connected with such election irregularities commonly known as election racketeers, and

BE IT FURTHER RESOLVED, That all items of expense be returned by said committee with its report and that the Sergeant-at-Arms of the House be and he is hereby instructed and authorized to pay any and all sums necessarily incurred by said committee upon presentation to him of a proper voucher signed by the chairman of said committee and the Speaker of the House. That this investigation be carried on to completion after the adjournment of the Legislature, if necessary.

On motion of Stimatz, duly seconded, the above Resolution was adopted.

House Resolution  
Introduced by Stimatz

A Resolution requesting the Governor to call a special session of State Representatives for the purpose of impeaching the officers of the State of Montana, counties, and cities where law violations are permitted to be carried on.

WHEREAS, it is common knowledge that a practice of violations of law enforcement staff in various counties and cities of the State of Montana have been so numerous in open defiance and disrespect of their oath of office and

WHEREAS, the complaints of citizens have been ignored and disregarded, laughed at, and made joke of on part of the law enforcement officers of state, county and of such cities.

THEREFORE, BE IT RESOLVED, That on two affidavits of any two citizens of said state, county, or city, with sufficient proof, such as lottery tickets, cards, chips, moneys, baseball pool tickets, stock pool tickets, keno prizes, keno boards, punch boards, and prizes, or any or all articles used, or in use in connection of law violation, or upon any evidence that such law violations have been called to the attention of any law enforcement staff by any citizens in person, or by communication, notifying said law enforcement staff of such law violation, be sufficient for such calling of an extra session by the Governor.

BE IT FURTHER RESOLVED BY THIS ASSEMBLY, That when the above evidence is presented to the Governor, the said evidence imposes the duty upon the Governor to call the members in special session to consider the complaint and evidence of law violations complained of, at which time the evidence shall be considered for the purpose of impeachment of entire law enforcement staff affecting such state, county or city and to appropriate the money by this State for the expenses to hold special election to fill the vacancies of said county or city whose officers may be impeached by said special session.

It was moved by Stimatz, duly seconded, that the above Resolution be adopted. Motion was lost.

It was moved by Stimatz, duly seconded, that the House reconsider its action on the last named Resolution. A roll call was demanded, to be entered on the Journal, by the required number and the motion was lost by the following vote:

Ayes: Alvord, Anderson (Phillips), Bjorneby, Bloom, Bower, Burns, Daly, Hedden, Hess, Johnson, Lambert, McClain, Measure, Metcalf, Nelson, Parker, Peterson (Sheridan), Phelan, Schneider, Scofield, Stimatz, Stortz, Trandum. Total 23.

Noes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hardcastle, Heavlin, Hoiness, Holecsek, Ijams, Jackson, Joffray, Kelson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, Mackie, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, O'Connor, O'Shea, Padbury, Reed, Ruffcorn, Scott, Shanley, Sherman, Smith, Tyler, Vaney, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 63.

Absent and not voting: Brayman, Brennan, Cusick, Green, Hamilton, Lovell, Minette, Peterson (Pondera), Sorte, Strommes, Toomey. Total 11.

Passed their vote: Haugan, Leeson, McLeod, Mulholland, Spiegel. Total 5.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Substitute Senate Bill No. 3, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2815.69 of the Revised Codes of Montana of 1935, relating to the opening and closing of the State Liquor Stores." Referred to the Committee on Judiciary.

Senate Bill No. 19, introduced by Wass: A Bill for an Act entitled: "An Act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the

Attorney General in regard thereto, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this Act a misdemeanor and providing for its administration by the Montana Trade Commission." Referred to the Committee on Judiciary.

Senate Bill No. 41, introduced by Simmons: A Bill for an Act entitled: "An Act to provide for the exchange of stored water for the flow of waters of streams within the State of Montana and repealing all Acts and parts of Acts in conflict herewith and providing for the taking effect thereof." Referred to the Committee on Irrigation and Water Rights.

Senate Bill No. 53, introduced by Lamp: A Bill for an Act entitled: "An Act to amend Section 10176 of the Revised Codes of Montana of 1935, relating to allowance and rejection of claims; running of Statute of Limitations against claims; providing for notice of the rejection of claims; and providing for the amendment of claims." Referred to the Committee on Judiciary.

Senate Bill No. 57, introduced by Committee on Public Lands: A Bill for an Act entitled: "An Act to add to chapter number 159 of the Revised Codes of Montana, 1935, a section to be designated Section 1805.29a relating to exchange of lands by the State Board of Land Commissioners, with the State Water Conservation Board." Referred to the Committee on State Lands.

Senate Bill No. 59, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 11897 of the Revised Codes of Montana, 1935, relating to time of filing demurrer in criminal actions; and providing for filing and serving demurrers, copy to County Attorney; time for hearing and ruling of demurrer." Referred to the Committee on Judiciary.

House Bill No. 220, introduced by Bower: A Bill for an Act entitled: "An Act to amend Section 1759.5 of the Revised Codes of Montana, 1935, relating to the use of license plates on motor vehicles, trailers or semi-trailers." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 221, introduced by Bower: A Bill for an Act entitled: "An Act amending Section 5736 of the Revised Codes of Montana, 1935, relating to the causes for divorce; and amending Section 5736 of the Revised Codes of Montana, 1935, by adding thereafter a Section to be known as 5736.1 relating to incurable insanity; and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 222, introduced by Mungas and Miller (Big Horn): A Bill for an Act entitled: "An Act to amend Section 1741.9 of the Revised Codes of the State of Montana of 1935, relating to arrest by Highway Patrolmen and empowering therein patrolmen to stop motor vehicles transporting livestock or livestock products and take possession of the same whenever they have good reason to believe such are stolen." Referred to the Committee on Highways and Highway Transportation.

House Bill No. 223, introduced by Whaley: A Bill for an Act entitled: "An Act to repeal Section 2208.1 of the Revised Codes of Montana, 1935, relating to the sale, leasing, exchanging, and for quieting title to lands acquired by any county tax deed." Referred to the Committee on Judiciary.

House Bill No. 224, introduced by Whaley: A Bill for an Act entitled: "An Act to amend Section 2235 of the Revised Codes of Montana, 1935,



relating to the sale of unredeemed property by County Commissioners." Referred to the Committee on Judiciary.

Brayman, Cusick and Lovell were excused to go to Columbia Falls to conduct an investigation into the affairs and administration of the Montana Soldiers' Home. Stimatz was excused because of the illness of his son.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 18 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brennan, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Goodwin, Haight, Haugan, Hedden, Hoiness, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 78.

Noes: Burns, Campbell, Conner, Elliott, Freshman, Hardcastle, Hess, Levissee, Lippard, McClain, Peterson (Pondera), Scott. Total 12.

Absent and not voting: Bloom, Brayman, Cusick, Green, Hamilton, Heavlin, Joffray, Lovell, Sorte, Stimatz, Stromnes, Toomey. Total 12.

Senate Bill No. 22 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Hess, Ijams, Johnson, Kruse, Lambert, Leeson, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 69.

Noes: Campbell, D'Ewart, Elliott, Haight, Haugan, Heavlin, Hedden, Hoiness, Holecek, Kelson, Lasby, Lehrkind, Manning, Miller (Big Horn), Minette, Monahan, Mungas, O'Connor, Scofield, Smith, Vanek. Total 21.

Absent and not voting: Brayman, Cusick, Eggenberger, Green, Jackson, Joffray, Levissee, Love, Lovell, Metlen, Sorte, Stromnes, Toomey. Total 12.

Senate Bill No. 36 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman,



Smith, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Haight, Holecek, Lippard, Love, Mulholland, Mungas, O'Connor, O'Shea, Trandum. Total 9.

Absent and not voting: Brayman, Cusick, Finnegan, Green, Hedden, Jackson, Joffray, Lovell, Manning, Miller (Big Horn), Sorte, Stimatz, Stromnes, Toomey. Total 14.

Senate Bill No. 46 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kelson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: Lasby. Total 1.

Absent and not voting: Acher, Brayman, Cusick, Green, Hamilton, Hoiness, Joffray, Lovell, Metcalf, Metlen, Miller (Big Horn), Sherman, Sorte, Stimatz, Stromnes, Toomey. Total 16.

Senate Bill No. 48 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Brayman, Cusick, Goodwin, Green, Heavlin, Lovell, Metlen, Minette, Sherman, Sorte, Stimatz, Stromnes, Toomey. Total 13.

The Speaker appointed the Committee to act on the Resolution adopted to investigate gambling conditions in the city of Helena as follows.

Campbell, Miller (Big Horn) and Hoiness.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### THIRD READING

The following having been read three several times, history and title agreed to were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 144 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Spiegel, Stortz, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 71.

Noes: Anderson (Phillips), Crouse, Cruickshank, Heavlin, Holecek, Ijams, Levissee, Love, Manning, Miles, Miller (Big Horn), O'Shea, Scott, Vanek. Total 14.

Absent and not voting: Anderson (Lincoln), Brayman, Cusick, D'Ewart, Green, Haight, Joffray, Kelson, Lovell, Padbury, Schneider, Sorte, Stimatz, Stromnes, Toomey, Trandum, Whaley. Total 17.

House Bill No. 128 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Metcalf, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Smith, Spiegel, Stortz, Trandum, Waldrop, Wenger, Whaley, Mr. Speaker. Total 73.

Noes: Campbell, Chamberlain, Holecek, Joffray, Kruse, Lehrkind, Masterson, Measure, Metlen, Miles, Minette, Mitchell, O'Connor, Scofield, Sherman, Tyler, Vanek, Wood. Total 18.

Absent and not voting: Brayman, Cusick, Eggenberger, Green, Kelson, Lovell, Padbury, Sorte, Stimatz, Stromnes, Toomey. Total 11.

House Bill No. 77 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Noes: Haight, Holecek, Kruse, Lippard, Miller (Big Horn), Minette, Mitchell, Mungas, O'Connor, Trandum. Total 10.

Absent and not voting: Brayman, Campbell, Green, Kelson, Lovell, Shanley, Sorte, Stimatz, Stromnes, Toomey. Total 10.

Passed their vote: Miles. Total 1.

House Bill No. 49 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Levissee, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson, (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 66.

Noes: Acher, Anderson (Lincoln), Campbell, Chatham, Crouse, Cruickshank, D'Ewart, Eggenberger, Freshman, Hardcastle, Heavlin, Holecek, Lehrkind, Lemmer, Lippard, Longenecker, Love, Metlen, Miles, Miller (Big Horn), Mungas, Scofield, Smith, Wood. Total 24.

Absent and not voting: Brayman, Cusick, Green, Kelson, Lovell, Minette, Padbury, Shanley, Sorte, Stimatz, Stromnes, Toomey. Total 12.

House Bill No. 146 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Brayman, Cusick, Eggenberger, Green, Joffray, Kelson, Lovell, Minette, Sorte, Stimatz, Stromnes, Toomey, Trandum. Total 13.

House Bill No. 12 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: D'Ewart, Campbell, Chatham, Metlen, Mungas, Padbury. Total 6.

Absent and not voting: Brayman, Cohen, Cusick, Green, Joffray, Kelson, Lovell, Minette, Smith, Sorte, Stimatz, Stromnes, Toomey, Trandum. Total 14.

House Bill No. 142 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Burns,

Campbell, Chamberlain, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Haight, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecsek, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stortz, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 75.

Noes: Chatham, Crouse, D'Ewart, Freshman, Goodwin, Hardcastle, Lasby, Levisee, Lippard, Miller (Big Horn), Mulholland, Vanek, Wood. Total 13.

Absent and not voting: Brayman, Brennan, Cusick, Green, Hamilton, Joffray, Kelson, Lovell, Minette, Sorte, Stimatz, Stromnes, Toomey, Trandum. Total 14.

House Bill No. 154 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecsek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 87.

Noes: Anderson (Phillips). Total 1.

Absent and not voting: Brayman, Cusick, D'Ewart, Green, Kelson, Lovell, Manning, Minette, Mungas, Sorte, Stimatz, Toomey, Trandum. Total 13.

Passed their vote: Miles. Total 1.

House Bill No. 131 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecsek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Metcalf, Nelson, Spiegel. Total 3.

Absent and not voting: Alvord, Brayman, Cusick, Green, Hamilton, Kelson, Kruse, Lovell, Minette, Mulholland, Mungas, Sherman, Smith, Sorte, Stromnes, Toomey, Trandum. Total 17.

The Committee on Enrolling report the following Resolution and Bills correctly enrolled: House Joint Resolution No. 1, House Bills Nos. 44, 81 and 97.

McKENNA, Chairman.

Report adopted.



I have examined enrolled House Joint Resolution No. 1, introduced by me, and find the same to be correct.

MASTERSON.

I have examined enrolled House Bill No. 44, introduced by me, and find the same to be correct.

ACHER.

I have examined enrolled House Bill No. 81, introduced by me, and find the same to be correct.

MILLER (Big Horn).

I have examined enrolled House Bill No. 97, introduced by me and find the same to be correct.

ELLIOTT.

The Speaker signed in Open Session the following: House Joint Resolution No. 1 and House Bills Nos. 44, 81 and 97.

### MOTIONS AND RESOLUTIONS

It was moved by Metlen, duly seconded and carried, that Senate Bill No. 6, now on General Orders be taken from General Orders and referred to the Committee on Livestock and Public Ranges.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Brennan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (printed bills are referred to in amendments)

That House Bill No. 168 do pass.

That House Bill No. 137 do pass.

That consideration of House Bill No. 38 be passed for the day.

That consideration of House Bill No. 129 be indefinitely postponed.

That House Bill No. 166 be amended as follows: Amend Section 1, line 5 by striking out the word "eighteen" and inserting in lieu thereof the word "twelve"; amend Section 17 in line 13 by adding after the word "Registers," the words "4-weeks period;" then insert a new line following line 13 to read as follows: "Teachers' Register, 6-weeks period, each 55c;" amend Section 20 by striking out in line 10 the words "less than one year or"; and as amended, do pass.

That Senate Amendments to House Bill No. 17 be concurred in.

That Senate Amendments to House Bill No. 64 be not concurred in and that a conference committee be appointed by the House and a like committee requested in the Senate.

BRENNAN, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following:

By Committee on Highways and Highway Transportation, Heavlin, Chairman: "An Act to amend Section 2396.4, Revised Codes of Montana, 1935, relating to refund of gasoline tax, so that counties, cities and towns shall be entitled to such refund for tax paid on gasoline used by such coun-

ties, cities and towns in the performance of their governmental and propriety functions."

By Smith, Padbury, Cohen, Heavlin and Bower: "An Act to amend Subsection 6, Section 4028, Revised Codes of Montana, 1935, relating to exempting stock of rural electrification associations from the provisions of the State Investment Law, and repealing all Acts and parts of Acts in conflict herewith."

By Mackie: A Bill for an Act entitled: "An Act to amend Sections 3076 and 3078 of the Revised Codes of 1935 relative to the hours of work of minors and women and fixing a penalty for the violation of the same; repealing all Acts in conflict therewith."

By Mungas: A Bill for an Act entitled: "An Act to amend Section 4916 of the Revised Codes of Montana, 1935, relating to the fees of sheriffs."

By Holecek: A Bill for an Act entitled: "An Act providing for unemployment compensation; creating a State Unemployment Compensation Commission: Establishing an Unemployment Compensation Fund and providing for the administration, distribution and investment thereof; providing for the assessment and collection of contributions upon payrolls of employers and employees; creating a State Employment Service and providing an appropriation therefor; providing penalties for violations."

By Scott: A Bill for an Act entitled: "An Act to amend Section 4465.27 of the Revised Codes of Montana, 1935, providing for the leasing of county property."

By Committee on Appropriations, Manning, Chairman: "An Act appropriating money for the payment of the claim of Andy Briscoe as compensation or as a pension for injuries received while on duty on the service of the State of Montana as a private in the Service Company, 163rd Infantry, Montana National Guard."

By Schneider: A Bill for an Act entitled: "An Act to equalize taxation and to replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a tax on gross receipts of goods purchased for direct consumption through retail sales as defined herein; to provide for the collection of such tax, the distribution and use of the revenue derived therefrom, and the administration of said Law; to provide for certain deductions and exemptions; to make an appropriation for the administration of this Act; to fix fines and penalties for the violation of the provisions of this Act; to repeal all Acts and parts of Acts in conflict herewith."

By Love: A Bill for an Act entitled: "An Act requiring the operators of motor vehicles involved in accidents to give aid to injured persons, to disclose identity, to report accidents, providing forms for reports, providing for reports by Coroners, providing for the confidentiality of such reports and repealing Sections 1744.1, 1754.5, 1754.6 of the Revised Codes of Montana, 1935, and all Acts and parts of Acts in conflict herewith."

By Nelson, Chamberlain, Alvord, Longenecker, Kelson, Schneider, Parker, Bloom, O'Shea, DeDobbeleer: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section six of Article Five of the Constitution of the State of Montana so as to provide that the Legislative Assembly shall assemble for a period of thirty days, then recess for a thirty day period and then reassemble for a thirty day period."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Section 256 of the Revised Codes of Montana of 1935, providing for the duties of the Board of Examiners, and ratifying and affirming contracts of state owned automobiles, motor and non-motorized vehicle equipment insurance, including public liability, property damage,

collision, fire and theft, heretofore entered into by the Board of Examiners or any state officer, board or commission, or any two or more of them jointly, and ratifying and affirming the Acts of the Board of Examiners, State Auditor and State Treasurer in paying premiums with state money on such heretofore entered into insurance contracts."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Sections 8093, 8094, 9334, 9335 and 9344 of the Revised Codes of Montana, 1935, relating to the drawing capsules from the trial juror boxes; providing that the District judge shall draw such capsules and providing that in counties where there are two or more district judges residing that each of such judges shall participate in the drawing of such capsules."

By Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Chapter 16 of the Code of Civil Procedure of the Revised Codes of Montana for 1935 by adding thereto a new Section to be known as Section 8902.1 which Section shall provide that no trial jury shall be required to attend Court for a period in excess of thirty days (30) except as herein provided."

By Joffray: "An Act to amend Section 11159, Revised Codes of Montana, 1935, prohibiting gambling games, said amendment providing for the playing of certain games for amusement and pastime, and the use in places of business of trade stimulators upon the payment of a license to the County Treasurer, and providing a penalty for the violation thereof."

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 100, respectfully report as follows: That House Bill No. 100 be amended as follows:

By striking out in Line 9, Page 19, the words and figures "twenty-five thousand (\$25,000.00)" and inserting in lieu thereof the words and figures "twenty thousand (\$20,000.00) dollars".

And as amended do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 190, respectfully report as follows: That House Bill No. 190 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Economy, having had under consideration House Bill No. 214, respectfully report as follows: That House Bill No. 214 do pass.

PETERSON (Sheridan), Chairman.

Report adopted.

The Committee on Printing reported the following bill correctly printed: House Bill No. 113.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 203, respectfully report as follows: That House Bill No. 203 do pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 222, respectfully report as follows: That House Bill No. 222 do pass.

HEAVLIN, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Appropriations, having had under consideration House Bill No. 183, respectfully report as follows: That House Bill No. 183 do pass.

MANNING, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 9, 85, 163, 96, 69, 143, 145 and House Memorial No. 3.

PETERSON (Pondera), Chairman.

Report adopted.

### MESSAGES FROM THE GOVERNOR

The Governor notified the House that he had approved the following: House Bill No. 65, House Bill No. 66 and House Joint Resolution No. 2.

### MOTIONS AND RESOLUTIONS

It was moved by Levissee, duly seconded and carried, that House Bill No. 209 be taken from the Committee on Printing and re-referred to the Committee on Insurance.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

House Bill No. 225, introduced by Cusick: A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana an amendment to Section Six (6) of Article Five (5) of the Constitution of the State of Montana relating to the time the Legislative Assembly shall meet." Referred to the Committee on Constitutional Amendments.

House Bill No. 226, introduced by Committee on Social Security: A Bill for an Act entitled: "The Public Welfare Act, relating to the general welfare and the social security of the people of the State of Montana; providing for the non-institutional indigent and the unemployed destitute; providing for old age assistance; providing for needy dependent children; providing for needy blind individuals; providing for services for crippled children; providing for services for child welfare and relating to vocational rehabilitation; creating a State Department of Public Welfare, a State Board of Public Welfare, County Boards of Public Welfare, prescribing their powers and duties; creating certain funds; providing for administrative functionaries, their appointment and removal, their qualifications, salary, term and tenure of office, and their powers and duties; prescribing certain powers and duties of the Board of County Commissioners; prescribing rules of eligibility and regulations for all assistance under the provisions of this Act; providing for the appropriation and disposition of funds and revenue; directing the levy of certain taxes provided by law; providing for contracts with the United States; defining fraudulent acts; assuming the powers and duties of the Bureau of Child Protection and of the Orthopedic Commission under the authority and supervision of the State Department of Public Welfare; and repealing Sections from and including Section 335.1 and each successive Section to and including Section 335.45 and Sections from and including Sections 10480 and each successive Section to and including Section 10487 of the Revised Codes of Montana, 1935, together



with all Acts and parts of Acts in conflict herewith; and repealing and providing for the date of repeal of Sections from and including Section 2511 and each successive Section to and including Section 2514. Sections from and including Section 336 and each successive Section, to and including Section 347 of the Revised Codes of Montana, 1935." Referred to Committee on Social Security.

House Bill No. 227, introduced by Lehrkind and others: A Bill for an Act creating a State Park Commission and providing a Superintendent therefor; fixing the salary for the Superintendent and authorizing the employment of additional help; providing rules and regulations for the development, maintenance, upkeep and management of State Parks and Historic Sites; providing for the acceptance of gifts, grants and bequests, establishing a trust fund for and the manner of the payments therefrom; providing police power for employees within State Parks and Historic Sites; providing penalties; making an appropriation to carry out provisions of the Act. Referred to the Committee on State Boards and Offices.

The Speaker appointed conference committee on House Bill No. 64 as follows: Conner, Levisse and Longenecker.

The Speaker appointed conference Committee on House Bill No. 29 as follows: Phelan, O'Shea and Chamberlain.

## MOTIONS AND RESOLUTIONS

### House Resolution

Introduced by Padbury

WHEREAS, The State of Montana owns the property known as the State Fair Grounds which is valued at One Hundred Thirty Thousand (\$130,000) dollars,

And, WHEREAS, the buildings and grounds, through non-use and neglect, have become in a bad state of repair,

And, WHEREAS, under the supervision of the Commissioner of Agriculture the Federal Government, through the W. P. A., has set aside approximately Seventy-Five Thousand (\$75,000) dollars for the rehabilitation and repair of the buildings and grounds,

And, WHEREAS, approximately \$43,000 of this sum has been expended and the unexpended balance will be withdrawn and the project abandoned unless the grounds are used for State Fair purposes,

BE IT RESOLVED, that the Speaker appoint a committee of five to inspect the work done on the above project and report as to the advisability of its continuance.

On motion of Padbury, above resolution was adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Tuesday morning, February 9th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

## THIRTY-SEVENTH DAY

House of Representatives,  
Helena, Montana,  
February 9th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Brayman, Cusick, Kelson, McLeod, Stimatz and Toomey.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-sixth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following:

By Mulholland: A Bill for an Act entitled: "An Act to amend Section 3074 of the Revised Codes of Montana, 1935, relating to the hours of telephone operators."

By D'Ewart, by request: A Bill for an Act entitled: "An Act to amend Sections 5097, 5098, 5099 and 5100 of the Revised Codes of Montana, 1935, to provide for and require a Police Commission in Cities of the first and second class; providing for the appointment of the members of such Police Commission; providing the term of office and powers of the members of such Police Commission; providing the compensation to be paid to members of such commission; providing for the establishment of a Police Commission in Cities and Towns other than first and second class, providing for the appointment and qualification of members of the Police Force in Cities of the first and second class and repealing all Acts and parts of Acts in conflict herewith."

By Acher: A Bill for an Act entitled: "An Act to amend Section 7184 of the Revised Codes of Montana of 1935, relating to the qualification and designation of electors entitled to vote at irrigation district elections and the manner of voting by Agents, Co-Owners and Purchasers of land under contract of sale."

By Trandum: A Bill for an Act entitled: "An Act to reduce taxes on real and personal property by limiting the levies which may be made by Boards of County Commissioners and City and Town Councils and Commissioners for County and Municipal Taxes."

By Committee on Agriculture, Miller of Roosevelt, Chairman: A Bill for an Act entitled: "An Act to create soil conservation districts; to create a state soil conservation committee; to define its powers and duties and to declare an emergency."

By Schneider, Parker, Minette, Kruse, Chamberlain, Mungas, Miles, Scofield, Lasby, Eggenberger, Wood, Haugan, Sherman, Dougherty and Whaley: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana of 1921 as amended by Chapter 107 of the Laws of the Eighteenth Legislative Assembly relating to the registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 6 of Article XVI, relating to certain officers and their terms of office."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to repeal Section 1709 of the Revised Codes of Montana of 1935."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to amend Section 5080 of the Revised Codes of Montana of 1935, relating to the liability of Cities and Towns for injury or damage to person or property received or suffered by reason of any

defect in any bridge, street, road, sidewalk, culvert, park, public ground, ferry-boat, or public works of any kind in Cities and Towns."

By Daly, Trandum, Chamberlain: A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in or about hotels, restaurants, and cafes, and providing penalties for a violation thereof."

By Mitchell: A Bill for an Act entitled: "An Act to amend Sections 5108.2 and 5108.7 of the Revised Codes of Montana for 1935, relating to the creation of police reserves of Police Officers in Cities and Towns of the first and second class in the State of Montana and the qualification of members thereof, and providing for the tax levy for the payment of said police reserves and specifying the limitations of said levies."

By Committee on Revenue and Taxation, Metlen, Chairman: A Bill for an Act entitled: "An Act to amend Sections 2815.63, 2815.65, 2815.66, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana of 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana, and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; Creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the powers and duties of such officers; defining a "nuisance", and providing for the abatement of same, and repealing Section 2815.52 of the Revised Codes of Montana of 1935."

By Committee on Affairs of Cities, Goodwin, Chairman: A Bill for an Act entitled: "An Act to amend Chapter 398, Political Code, Revised Codes of Montana, 1935, by adding thereto a Section to be designated and known as Section 5277.6 the purpose of which is to extend the security now afforded special improvement district bonds or warrants to include miscellaneous sidewalk and curb bonds or warrants issued pursuant to Section 5244 Revised Codes of Montana 1935."

By Mulholland, by request: A Bill for an Act entitled: "An Act making it unlawful the appointment by any Court of this State of any corporation organized for any purpose whatsoever, its Directors, Officers, Agents, Attorneys, or Employees, as Administrator of any estate, Executor of any last will and testament, or as Guardian of any minor or minors, insane, or incompetent person, or persons, excepting where such Director, Officer, Agent, Attorney or Employee is entitled to take any part of said estate under the laws of succession of this State, and any Legatee or Devisee in any will who is entitled to take under a bequest in said will or testament a portion greater than ten per cent of the inventoried value of said estate; and providing the effect of any such nomination or appointment."

By Nelson and Metcalf: A Bill for an Act entitled: "An Act to provide for the inspection and analysis of commercial feeding stuffs and by whom and to regulate the sale thereof in the State of Montana; to define the term "Commercial Feeding Stuff"; to provide for guarantees of the ingredients of commercial feeding stuffs and affixing labels to the packages thereof; to prohibit the sale of fraudulent or adulterated commercial feeding stuffs; to regulate and license the sale of commercial feeding stuffs; to fix the penalties for the violation of the provisions of this Act."

By Mungas: A Bill for an Act entitled: "An Act to amend Section 9786 Revised Codes of Montana, 1935, relating to compensation of Attorneys and making it a felony for any attorney to charge any fee or compensation in excess of seventeen dollars and fifty cents (\$17.50) for all services, including fixing of testimony, in the securance of or attempt to secure a decree of divorce for any non-resident under the Thirty-day residence Act."

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 200, 195, 189, 176, 134, 120, 132, 174 and Substitute House Bill No. 28.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration Senate Bill No. 24 respectfully report as follows: That Senate Bill No. 24 be concurred in.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, the majority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 45 respectfully report as follows: That House Bill No. 45 be amended as follows:

Amend line 12, by striking out the words and figures "thirty per centum (30%)" and inserting in lieu thereof the words and figures "twenty per centum (20%)".

Amend line 15, by striking out the words and figures "thirty per centum (30%)" and inserting in lieu thereof the words and figures "twenty per centum (20%)", and as amended do pass.

PETERSON of Pondera,  
LASBY  
KRUSE,  
CHAMBERLAIN,  
JOFFRAY,  
RUFFCORN.

Mr. Speaker: We, the Minority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 45 respectfully report as follows: That House Bill No. 45 do not pass.

PADBURY,  
METLEN,  
HOLECEK,  
PETERSON of Sheridan.

Motion was made by Peterson of Pondera that the Majority report be adopted.

Substitute motion was made by Metlen and carried that the Minority report be adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Bill No. 204 respectfully report as follows: That House Bill No. 204 do pass.

MILLER of Roosevelt, Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

House Bill No. 121 was this day read third time and concurred in, title and history agreed to and bill is herewith returned to the House.

The motion to reconsider House Bill No. 7 was lost, and bill is herewith returned to the House.

The following House Bills were this day recommended for non-concurrence in the Senate, and said Bills are herewith returned to the House: House Bill No. 39, House Bill No. 130 and House Joint Memorial No. 4.



The following Senate Bills were this day read third time and passed, title and history agreed to and bills are herewith transmitted to the House for concurrence: Senate Bill No. 67 and Senate Joint Memorial No. 4.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that House Bill No. 120 be taken from General Orders and re-referred to the Committee on Education.

It was moved by Chatham, duly seconded and carried, that consideration of House Bill No. 132 be passed for the day.

It was moved by Mackie, duly seconded and carried, that House Bill No. 137 be taken from the Committee on Engrossing and placed on General Orders.

It was moved by Stromnes, duly seconded, that House Bill No. 168 be recalled from the Committee on Engrossing and placed on General Orders. A roll call was demanded by the required number and the motion was lost by the following vote: Ayes: 43, Noes: 49, Absent and not voting: 10.

It was moved by Finnegan, duly seconded and carried, that consideration of House Bill No. 38 be postponed until Friday, February 12th, 1937.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees:

Senate Bill No. 67, introduced by Robinson and Foor: A Bill for an Act entitled: "An Act to amend Section 10269 of the Revised Codes of Montana, 1935, relative to petition for Executor or Administrator to make conveyance, and notice of hearing." Referred to Committee on Judiciary.

Senate Joint Memorial No. 4, introduced by Starks, Anderson, Angvick, Chapman and Ecton: A Resolution memorializing the Congress of the United States; endorsing the passage and approval of the Bill introduced by the Honorable Mr. Burdick, United States Congressman, providing for the cancellation of certain feed and seed loans heretofore made by the United States Government, and providing for an appropriation therefor under the Provisions of the War Department Appropriation Bill. Referred to Committee on Agriculture.

House Bill No. 228, introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Sections 8093, 8094, 9334, 9335 and 9344 of the Revised Codes of Montana, 1935, relating to the drawing capsules from the trial juror boxes; providing that the District Judge shall draw such capsules and providing that in Counties where there are two or more District Judges residing that each of such Judges shall participate in the drawing of such capsules." Referred to Committee on Judiciary.

House Bill No. 229, introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 256 of the Revised Codes of Montana of 1935, providing for the duties of the Board of Examiners, and ratifying and affirming contracts of State owned automobiles, motor and non-motorized vehicle equipment insurance, including public liability, property damage, collision, fire and theft, heretofore entered into

by the Board of Examiners or any State Officer, Board or Commission, or any two or more of them jointly, and ratifying and affirming the Acts of the Board of Examiners, State Auditor and State Treasurer in paying premiums with state money on such heretofore entered into insurance contracts." Referred to Committee on Judiciary.

House Bill No. 230, introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Chapter 16 of the Code of Civil Procedure of the Revised Codes of Montana for 1935 by adding thereto a new Section to be known as Section 8902.1 which Section shall provide that no trial jury shall be required to attend Court for a period in excess of thirty days (30) except as herein provided." Referred to Committee on Judiciary.

House Bill No. 231, introduced by Smith, Padbury, Cohen, Heavlin and Bower: A Bill for an Act entitled: "An Act to amend Subsection 6, Section 4028, of the Revised Codes of Montana, 1935, relating to exempting stock of rural electrification Associations from the provisions of the State Investment Law, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Corporations, other than Municipal.

House Bill No. 232, introduced by Cruickshank and others: A Bill for an Act entitled: "An Act to amend Section 1057 of the Revised Codes of Montana of 1935 relating to the establishment and maintenance of Kindergartens and providing for the establishment and maintenance of nursery schools." Referred to Committee on Education.

House Bill No. 233, introduced by Cruickshank and others: A Bill for an Act entitled: "An Act to provide for the establishment of adult education Schools or Classes." Referred to Committee on Education.

House Bill No. 234, introduced by Heavlin: A Bill for an Act entitled: "An Act to amend Section 2396.4 Revised Codes of Montana of 1935, relating to refund of gasoline tax, so that Counties, Cities and Towns shall be entitled, to such refund for tax paid on gasoline used by such Counties, Cities and Towns in the performance of their governmental and proprietary functions." Referred to Committee on Highways and Highway Transportation.

House Bill No. 235, introduced by Love: A Bill for an Act entitled: "An Act requiring the operators of motor vehicles involved in accidents to give aid to injured persons, to disclose identity, to report accidents, providing forms for reports, providing for reports by Coroners, providing for the confidentiality of such reports and repealing Sections 1744.1, 1754.5, 1754.6 of the Revised Codes of Montana, 1935 and all Acts and parts of Acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

House Bill No. 236, introduced by Chamberlain and others: A Bill for an Act entitled: "An Act making it mandatory upon the State Highway Commission to perform all highway construction work within the State of Montana, directly under the supervision of the Highway Commission by employing all labor on a "Day Labor Basis," and providing further that the Highway Commission shall furnish all equipment and materials for the performance of said work and providing a penalty and forfeiture for failure to carry out the provisions of this Act." Referred to Committee on Highways and Highway Transportation.

House Bill No. 237, introduced by McKenna: A Bill for an Act entitled: "An Act to repeal Section 9797, relating to Costs of Demurrer or Motion." Referred to Committee on Judiciary.

House Bill No. 238, introduced by Scott: A Bill for an Act entitled: "An Act to amend Section 4465.27 of the Revised Codes of Montana, A. D. 1935, providing for the leasing of County property." Referred to Committee on Townships and Counties.

House Bill No. 239, introduced by Eggenberger, by request: A Bill for an Act entitled: "An Act creating a County Board of Education, defining its membership, term of office, duties and powers, providing for the employment of a Music Supervisor; providing manner in which third class School Districts may appoint a District Supervisor, curtailing the supervision of the County Superintendent of such Districts; defining the qualifications of a County Superintendent of Schools, defining the duties of a County Superintendent, the duties of Trustees and the duties of Principals and Teachers, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Education.

House Bill No. 240, introduced by Shanley and Lemmer: A Bill for an Act entitled: "An Act authorizing Counties to construct and maintain projects protecting rivers, streams and creeks from pollution; authorizing Boards of County Commissioners to incur indebtedness therefor, providing the method of spending said money and the repayment thereof; empowering Counties to accept federal aid from any federal Agency; authorizing the State Highway Commission and the State Fish and Game Commission to contribute to the cost and maintenance of such projects under conditions specified in this Act, and authorizing Counties to procure land necessary for said projects." Referred to Committee on Fish and Game.

House Bill No. 241, introduced by Joffray: A Bill for an Act entitled: "An Act to amend Section 11159 Revised Codes of Montana, 1935, prohibiting gambling games, said amendment providing for the playing of certain games for amusement and pastime, and the use in places of business trade stimulators upon the payment of a license to the County Treasurer, and providing a penalty for the violation thereof." Referred to Committee on Public Morals, Charities and Reforms.

House Bill No. 242, Introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act amending Section 2208.1 of the Revised Codes of Montana of 1935, relating to the sale of tax deed lands, the terms of such sale, the taxation of lands so sold, and providing for lease and exchange of tax lands, and repealing Section 2235 of the Revised Codes of Montana of 1935." Referred to Committee on Judiciary.

House Bill No. 243, introduced by Lasby: A Bill for an Act entitled: "An Act amending Section 1759.5 of the Revised Codes of Montana, 1935, requiring the use of license plates on motor vehicles; defining certain regulations pertaining to license plates; relating to fictitious license plates; relating to the use of license plates other than those provided by law." Referred to Committee on Highways and Highway Transportation.

The Committee on Enrolling reported House Bill No. 84 correctly enrolled.

Report adopted.

McKENNA, Chairman.

Mr. Speaker: I have examined enrolled House Bill No. 84, introduced by me and find the same to be correct.

STROMNES.

The Speaker signed in Open Session the following: House Bill No. 84.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:



Senate Amendments to House Bill No. 17 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Lambert. Total 1.

Absent and not voting: Brayman, Cusick, Eggenberger, Finnegan, Green, Hamilton, Holecek, Joffray, Kelson, Lovell, McKenna, McLeod, Manning, Metlen, Miller (Big Horn), Mulholland, Stimatz, Toomey, Waldrop. Total 19.

House Bill No. 69 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Noes: Lambert. Total 1.

Absent and not voting: Brayman, Cusick, Eggenberger, Goodwin, Hamilton, Hoiness, Holecek, Joffray, Kelson, Lippard, Lovell, McKenna, McLeod, Manning, Metlen, Peterson (Pondera), Reed, Sherman, Stimatz, Toomey. Total 20.

House Bill No. 163 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 78.

Noes: D'Ewart, Lippard, Monahan, Mungas. Total 4.

Absent and not voting: Brayman, Brennan, Campbell, Conner, Cusick, Eggenberger, Hamilton, Holecek, Joffray, Kelson, Lovell, McKenna, McLeod, Manning, Metlen, Minette, Reed, Stimatz, Toomey, Whaley. Total 20.

House Bil No. 85 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Bren-



nan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Hoiness, Johnson, Lasby, Smith. Total 4.

Absent and not voting: Brayman, Conner, Cusick, Hamilton, Holecek, Jackson, Joffray, Kelson, Lovell, McLeod, Manning, Metlen, Minette, Stimatz, Toomey. Total 15.

Passed their vote: Mulholland. Total 1.

House Bill No. 143 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly DeDobbeleer, D'Ewart, Eggenberger, Elliott, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, McClain, McKenna, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: Anderson (Lincoln), Campbell, Dougherty, Finnegan, Freshman, Holecek, Levissee, Mackie, Measure, Metcalf, Vanek. Total 11.

Absent and not voting: Brayman, Chatham, Cusick, Hamilton, Joffray, Kelson, Lippard, Lovell, McLeod, Manning, Metlen, Minette, Mitchell, Stimatz, Toomey. Total 15.

House Bill No. 96 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 75.

Noes: Conner, Hess, Jackson, Lambert, Padbury, Smith. Total 6.

Absent and not voting: Brayman, Brennan, Burns, Cusick, Finnegan, Green, Hamilton, Joffray, Kelson, Lippard, Lovell, McLeod, Manning, Metlen, Minette, O'Connor, Peterson (Pondera), Stimatz, Stromnes, Toomey, Whaley. Total 21.

House Bill No. 145 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson,

Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 86.

Noes: None.

Absent and not voting: Brayman, Brennan, Chatham, Cusick, Hamilton, Joffray, Kelson, Lovell, McKenna, McLeod, Manning, Metlen, Minette, Smith, Stimatz, Toomey. Total 16.

House Bill No. 9 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Burns, Campbell, Chamberlain, Cohen, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Hardcastle, Haugan, Hess, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lippard, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 64.

Noes: Bloom, Conner, Crouse, D'Ewart, Haight, Heavlin, Hedden, Holecek, Jackson, Lehrkind, Levissee, Love, Miller (Big Horn), Scott, Smith, Trandum, Vanek, Wood. Total 18.

Passed their vote: Longenecker. Total 1.

Absent and not voting: Brayman, Brennan, Chatham, Cusick, Goodwin, Green, Hamilton, Hoiness, Joffray, Kelson, Lovell, McLeod, Manning, Metlen, Minette, Monahan, Peterson (Pondera), Stimatz, Toomey. Total 19.

House Memorial No. 3 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: Longenecker, O'Connor, Padbury, Smith. Total 4.

Absent and not voting: Brayman, Chatham, Conner, Cusick, Dougherty, Eggenberger, Hamilton, Hoiness, Joffray, Kelson, Lovell, McLeod, Manning, Masterson, Metcalf, Metlen, Minette, Peterson (Pondera), Shanley, Sherman, Stimatz, Toomey. Total 22.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker announced the following committees:

Committee to investigate elections in Silver Bow County: Holecek, DeDobbeleer, Stortz, Kruse and Padbury.

Committee to Investigate State Fair Grounds: Goodwin, Shanley, O'Shea, D'Ewart and Hess.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

O'Shea in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (All amendments referring to the printed bills)

That consideration of House Bill No. 102 be passed temporarily.

That House Bill No. 113 be amended as follows: Amend Section 4 by striking out in line 6 the words and figures "Ten Dollars (\$10.00)" and inserting in lieu thereof the words and figures "Five Dollars (\$5.00)" and amend by striking out all of Section 12; and as amended do pass.

That House Bill No. 138 do pass.

That House Bill No. 164 do pass.

That House Bill No. 174 do pass.

That consideration of House Bill No. 137 be passed for the day.

That Senate Bill No. 5 be concurred in.

That Senate Bill No. 24 be amended as follows: Amend Section 14 by striking out in line 12 the word "medical" and inserting in lieu thereof the word "physician" and as amended, be concurred in.

O'SHEA, Chairman.

It was moved by O'Shea, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion, it was moved by Smith, duly seconded, that House Bill No. 138 be segregated from the report of the Committee of the Whole. A roll call was demanded by the required number and the motion lost by the following vote: Ayes: 37, Noes: 48, Absent and not voting: 13, Pass: 4.

On substitute motion, it was moved by Mulholland, duly seconded and carried, that House Bill No. 174 be segregated from the report of the Committee of the Whole.

Whereupon, report of the Committee of the Whole was adopted as amended.

### NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following:

By Metlen, Miller of Big Horn, Ruffcorn, Brennan, Sherman, McKenna, Scofield, Stromnes and Stortz: A Bill for an Act entitled: "An Act to create the office of Commissioner of State Securities in connection with the State Banking Department, providing for his appointment, powers, duties, term of office and salary."

By Metlen, Miller of Big Horn, Ruffcorn, Brennan, Sherman, McKenna, Scofield, Stromnes and Stortz: A Bill for an Act entitled: "An Act to amend Sections 1805.1, 1805.2, 1805.5, 1805.8, 1805.10, 1805.11, 1805.14 and 1805.120, of the Revised Codes of Montana of 1935: and to repeal Section 1805.9, of the Revised Codes of Montana of 1935, relating to the Department of State Lands."



By Appropriations Committee, Manning Chairman: A Bill for an Act entitled: "An Act to provide for the disposition of all money received from income tax, corporation license tax, electric energy producer's license tax, metalliferous mines license tax, telegraph license tax, oil producer's license tax, natural gas distributor's license tax, store license tax, public contractor's license, cigarette dealer's license, Montana Beer Act, inheritance tax, and profits from State Liquor Control Act of Montana; amending Sections: 2343.3, 2344.12, 2399, and 2815.50 Revised Codes of Montana, 1935; and repealing Sections: 2295.28, 2303.12, 2355.9, 2408.9, 2420.10 2433.8, 2435.4, 2815.157 and 10400.49, Revised Codes of Montana, 1935."

By Miles, Masterson and Stortz: A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of theaters, concert halls, circuses, side shows, and menageries; and relating to exemptions from such license requirement; and amending Section 2434 of the Revised Codes of Montana, 1935, and repealing all Acts and parts of Acts in conflict herewith."

By Ijams, by request: A Bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State infantile paralysis sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall constitute or be a debt, liability or obligation of the State but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and Trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency."

By Chatham: A Bill for an Act entitled: "An Act to establish a State Hospital to be known as the 'Montana State Infantile Paralysis Sanitarium' in some suitable location in the State of Montana, for the treatment of infantile paralysis, prescribing rules and regulations for the same, and making appropriations therefor."

By Stortz, Miles, Masterson: A Bill for an Act entitled: "An Act requiring licenses for the operation, Maintenance, opening or establishment of banks, and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State, and Board of Equalization, in connection therewith, and prescribing penalties for the violation thereof."

By Schneider: A Bill for an Act entitled: "An Act to amend Section 1190 of the Revised Codes of Montana 1935, relating to contracts for supplying textbooks by the State Textbook Commission."

By Committee on Agriculture, Miller of Roosevelt Chairman: A Bill for an Act entitled: "A Resolution memorializing the Congress of the United States for the passage of the Legislation providing for wheat crop insurance and the "Ever Normal Granary" and urging the inclusion of the 1937 crop in its provisions recommending certain modifications of the plan as outlined by the Secretary of Agriculture of the United States."

By Burns: A Bill for an Act entitled: "An Act amending Section 2634.8 of the Revised Codes of Montana, 1935, relating to the purchase and sale of eggs; and repealing Section 2634.9 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith."

By Reed, Anderson of Phillips, DeDobbeleer, Ruffcorn, Waldrop, Hamilton and Acher: A Bill for an Act entitled: "An Act appropriating money for the payment to certain named cooperative grazing associations of fees paid the Secretary of State for filing Articles of Incorporation; stating reasons for such refunds and manner for securing same, and dissolving incorporation of Associations securing such refund."



By Minette, Hamilton, Cohen and Eggenberger: A Bill for an Act entitled: "An Act creating and establishing a Department of Public Welfare and providing for State and County Boards of Public Welfare and for Officers and Employees thereof; defining the powers and duties of such Department, Boards and Officers; making more adequate provision for the care of needy aged persons, dependent, crippled and delinquent children in danger of becoming delinquent and for the care of needy blind persons; providing for the supervision of all forms of public assistance and state activities in connection therewith; the granting of licenses to certain charitable institutions; providing for the raising of revenue for the purposes of this Act; providing for the cooperation of the State Department of Public Welfare with other State and Federal Agencies; providing for the administration of all funds appropriated by the State of Montana or made available to the State of Montana by Congress or by order of the Executive Department of the United States and repealing Sections 325, 326, 327, 328, 333, 334, 335, 335.1 to 335.17, inclusive, 335.18 to 335.45, inclusive, 336 to 341, 344 to 347, inclusive, and 2512 to 2514, inclusive, Revised Codes of Montana 1935, and all other Acts and parts of Acts in conflict with the provisions of this Act."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 11398 of the Revised Codes of Montana, 1935, relating to written threats prescribing what constitutes a written threat and making the Commission of same a misdemeanor."

By Phelan: A Bill for an Act entitled: "An Act to permit a Board of County Commissioners to employ a tax title Clerk, defining the duties of such Clerk and providing for salary."

By Brennan: A Bill for an Act entitled: "An Act to authorize the State Water Conservation Board to construct and operate an irrigation project known as the "Sidney Pumping Project" in Montana and North Dakota and to divert and convey waters from the Yellowstone River in Montana to the State of North Dakota for the operation of said project."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to amend Section 1805.14 of the Revised Codes of Montana of 1935, relative to the salaries and compensation of the Commissioner of State Lands, the Assistant Commissioner, the Chief Field Agent, and all other Officers, Agents, and Employees of the Department of State Lands and Investments."

By Judiciary Committee, by request: A Bill for an Act entitled: "An Act to authorize and regulate the issuance of bonds for the purpose of refinancing, or of refinancing and improving, revenue-producing works, undertakings, and projects by Cities and Towns and the State Water Conservation Board and to provide for the payment of such bonds."

By Campbell: A Bill for an Act entitled: "An Act to amend Section 8980, Revised Codes of Montana for 1935, prohibiting Attorneys from acquiring claims for the purpose of bringing action thereon."

By Phelan: A Bill for an Act entitled: "An Act to amend Section 2209.1 of the Revised Codes of Montana for 1935, relative to taking of tax deeds by Counties, Cities and Towns, so as to permit the Board of County Commissioners to employ a tax title Clerk whose duties shall be, on order of the Board of County Commissioners, to apply to the County Treasurer for issuance of tax deeds, and making it his duty to give notice of application and to make proper proof thereof, and providing for payment and amount of salary to said tax title Clerk."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 188 respectfully report as follows: That House Bill No. 188 be amended as follows:

Amend line 15, by striking out the words and figures "One Hundred (\$100.00) Dollars", and inserting in lieu thereof the words and figures "Fifty (\$50.00) Dollars."

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration House Bill No. 126, respectfully report as follows: That House Bill No. 126 be amended as follows:

By inserting after the words "moneys" in line 4 of the printed bill, the following: "Except moneys received from lands purchased by the United States by any of its purchasing agencies."

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 56, respectfully report as follows: That Senate Bill No. 56 be concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 50 respectfully report as follows: That Senate Bill No. 50 be not concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration Senate Bill No. 19 respectfully report as follows: That Senate Bill No. 19 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration Senate Bill No. 44 respectfully report as follows: That Senate Bill No. 44 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration House Bill No. 207 respectfully report as follows: That House Bill No. 207 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration Substitute Senate Bill No. 3 respectfully report as follows: That Substitute Senate Bill No. 3 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration House Bill No. 180 respectfully report as follows: That House Bill No. 180 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration House Bill No. 179 respectfully report as follows: That House Bill No. 179 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker, We your Committee on Judiciary, having had under consideration House Bill No. 221 respectfully report as follows: That House Bill No. 221 do pass.

STROMNES, Chairman.

Report adopted.

The Committee on Printing reported House Bill No. 59 correctly printed.

MACKIE, Chairman.

Report adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, requests the House to return H. B. No. 39 to the Senate for further consideration.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Padbury, duly seconded and carried, that the request of the Honorable Senate for the return of House Bill No. 39 be granted.

Resolution introduced by Silver Bow County Delegation: A Resolution extending the sympathy of the House of Representatives of the Twenty-fifth Legislative Assembly to the Honorable Thomas G. Stimatz on the death of his son.

WHEREAS, it has been learned by the members of the House of Representatives of the Twenty-fifth Legislative Assembly that death has come to a son of one of our friends, the Honorable Thomas G. Stimatz, and

WHEREAS, we all participate in the sorrow which has come to our colleague,

NOW THEREFORE BE IT RESOLVED, that we, the members of the House of Representatives of the Twenty-fifth Legislative Assembly in a body assembled do hereby extend our sincere sympathy to our friend Tom Stimatz, and his family on the occasion of their bereavement, and

BE IT FURTHER RESOLVED, that the Speaker of the House of Representatives convey this, our expression of sympathy, to the Honorable Thomas G. Stimatz.

On Motion of Spiegel, duly seconded and carried, the above Resolution was adopted.

House Resolution No. 8, introduced by Anderson of Phillips, Anderson of Silver Bow, Anderson of Chouteau and Anderson of Lincoln: A Resolution authorizing and directing the Governor of the State of Montana to appoint a Commission consisting of three members to represent the State of Montana at the Three Hundredth Anniversary of the establishment of New Sweden on the Delaware in 1638.

WHEREAS, the Governments of the United States and the Royal Government of Sweden will jointly commemorate the Three Hundred Anniversary of the establishment of New Sweden on the Delaware in 1638, and

WHEREAS, the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and Governors of several States acting upon direction

of such States Legislatures, have appointed Commissions for the purpose of participating in this celebration, which will be held in the City of Philadelphia, Pennsylvania, during the month of June 1938, and

WHEREAS, Americans of Swedish descent, from which have sprung not only the blood but many of the institutions which have contributed so much to make this land and particularly the State of Montana a great and prosperous country and state, is, we believe, entitled to this tribute from a state that has always delighted in giving credit where credit is due, and

WHEREAS, The members of the Montana Legislature in meeting assembled are desirous of having the State of Montana participate in these commemorating festivities,

NOW THEREFORE BE IT RESOLVED, by the House of Representatives of the Twenty-fifth Legislative Assembly, that the Governor of the State of Montana, be and is hereby authorized and directed to appoint a Commission of three members to represent the State of Montana at the Three Hundred Anniversary of the establishment of New Sweden on the Delaware in 1638.

On motion of Anderson of Phillips, duly seconded and carried, the above resolution was adopted.

It was moved by Peterson of Sheridan, duly seconded and carried, that House Bill No. 214 be taken from the Committee on Printing and re-referred to the Committee on Economy.

It was moved by Sherman, duly seconded and carried, that House Bill No. 126 be placed on General Orders.

The Speaker signed the following in Open Session: Senate Bill No. 26.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length:

House Joint Memorial No. 5, introduced by Committee on Agriculture: A Resolution memorializing the Congress of the United States for the passage of the Legislation providing for wheat crop insurance and the "Ever Normal Granary" and urging the inclusion of the 1937 crop in its provisions recommending certain modifications of the plan as outlined by the Secretary of Agriculture of the United States. Referred to Committee on Agriculture.

House Joint Memorial No. 6, introduced by Holecek: A Resolution memorializing the Congress of the United States requesting enactment of legislation allowing the people of the State of Montana to receive from the Federal Government its proportion of the payments made by Montana employers to the Federal Government for the year 1936 under Title III and Title IX of the Federal Social Security Act. Referred to Committee on Social Security.

House Bill No. 244, introduced by Kruse: A Bill for an Act entitled: "An Act to amend Section 566 and to repeal Sections 594, 595 and 633 Revised Codes of Montana 1935, all relating to the posting of Notices of Closing of Registration Books and the holding of Primary Nominating and other Elections." Referred to Committee on Privileges and Elections.

House Bill No. 245, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment



of the claim of Andy Briscoe as compensation or as a pension for injuries received while on duty in the service of the State of Montana as a private in the Service Company 163rd infantry, Montana National Guard." Referred to Committee on Appropriations.

House Bill No. 246, introduced by Appropriations Committee: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes as designated herein, for certain State Departments and offices for the period beginning July 1, 1937, and ending June 30, 1939." Referred to Committee on Appropriations.

House Bill No. 247, introduced by Minette, Hamilton, Cohen and Eggenberger: A Bill for an Act entitled: "An Act creating and establishing a Department of Public Welfare and providing for a State and County Boards of Public Welfare and for Officers and employes thereof; defining the powers and duties of such Department, Boards and Officers; making more adequate provision for the care of needy aged persons, dependent, crippled and delinquent children and children in danger of becoming delinquent and for the care of needy blind persons; providing for the supervision of all forms of public assistance and State activities in connection therewith; the granting of licenses to certain charitable institutions; providing for the raising of revenue for the purposes of this Act; providing for the cooperation of the State Department of Public Welfare with other State and Federal Agencies; providing for the administration of all funds appropriated by the State of Montana or made available to the State of Montana by Congress or by order of the Executive Department of the United States, and repealing Sections 325, 326, 327, 328, 333, 334, 335, 335.1 to 335.17, inclusive, 335.18 to 335.45, inclusive, 336 to 341, 344 to 347, inclusive, and 2512 to 2514, inclusive, Revised Codes of Montana 1935, and all other Acts and parts of Acts in conflict with the provisions of this Act." Referred to Committee on Social Security.

House Bill No. 248, introduced by Mackie: A Bill for an Act entitled: "An Act to amend Sections 3076 and 3078 of the Revised Codes of 1935 relative to the hours of work of minors and women and fixing a penalty for the violation of the same; repealing all Acts in conflict therewith." Referred to Committee on Labor.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 5 was concurred in by the following vote:

Ayes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Goodwin, Haight, Hardcastle, Heavlin, Heddin, Hess, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Lemmer, Lippard, Longenecker, McClain, McKenna, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Stortz, Strommes, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 65.

Noes: Campbell, Chatham, Freshman, Green, Haugan, Hoiness, Ijams, Lasby, Leeson, Levissee, Mackie, Metlen, Shanley, Smith, Trandum. Total 15.

Absent and not voting: Acher, Alvord, Anderson (Silver Bow), Brayman, Cohen, Cusick, Elliott, Hamilton, Kelson, Lehrkind, Love, Lovell, McLeod, Manning, Metcalf, Minette, Mulholland, Peterson (Pondera), Sorte, Spiegel, Stimatz, Tyler. Total 22.

Senate Bill No. 24 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Lehrkind, Lemmer, Levissee, Lippard, McClain, McKenna, Mackie, Master-son, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Spiegel, Stortz, Stromnes, Trandum, Waldrop, Wenger, Whaley. Total 57.

Noes: D'Ewart, Eggenberger, Green, Haugan, Hess, Holecek, Kruse, Lambert, Lasby, Leeson, Longenecker, Miller (Big Horn), Mungas, O'Connor, O'Shea, Scofield, Sorte, Vanek, Mr. Speaker. Total 19.

Absent and not voting: Anderson (Silver Bow), Brayman, Cohen, Cusick, Kelson, Love, Lovell, McLeod, Manning, Measure, Metcalf, Minette, Stimatz, Toomey, Tyler, Wood. Total 16.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M. Wednesday morning, February 10th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### THIRTY-EIGHTH DAY

House of Representatives,  
Helena, Montana,  
February 10, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: Excused: Brayman, Cusick, Kelson, Lovell and Stimatz. Absent: Sorte.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-seventh Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 226, recommend that House Bill No. 226 be referred to the Appropriations Committee.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Joint Memorial No. 6, respectfully report as follows: That House Joint Memorial No. 6 do pass.

STORTZ, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 150, 157, 214 and 216.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 106, respectfully report as follows: That House Bill No. 106 do not pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 105, respectfully report as follows: That House Bill No. 105 do not pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Joint Memorial No. 5, respectfully report as follows: That House Joint Memorial No. 5 do pass.

MILLER (Roosevelt), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 218, respectfully report as follows: That House Bill No. 218 be referred to the Judiciary Committee.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 208, respectfully report as follows: That House Bill No. 208 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bill was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House: House Bill No. 151.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 32 and 93.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Joint Resolution No. 7, Senate Bills Nos. 58, 60, 61, 64 and 78.

The Senate this day rejected the House amendments to Senate Bill No. 36, and appointed a Conference Committee to act with a like committee from the House for the consideration of said amendments. The following Senators were named on said Conference Committee: Plank, Armstrong and Kroman.

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 11, 26, 39, 51, and 78.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Monahan, duly seconded and carried, that House Bill No. 161 be taken from the Committee on Highways and Highway Transportation and referred to the Committee on Revenue and Taxation.

It was moved by Spiegel, duly seconded and carried, that House Rule No. 32 be suspended.

It was moved by O'Shea, duly seconded, that the House reconsider its action on House Bill No. 138. Motion was lost.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

Senate Bill No. 58, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6915 of the Revised Codes of Montana of 1935, relating to the form of acknowledgment by Corporation." Referred to the Committee on Judiciary.

Senate Bill No. 60, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6893 of the Revised Codes of Montana of 1935, relating to the acknowledgment of instruments required, except when." Referred to the Committee on Judiciary.

Senate Bill No. 61, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6910 of the Revised Codes of Montana of 1935, relating to the officer taking acknowledgments must know person making acknowledgments." Referred to the Committee on Judiciary.

Senate Bill No. 64, introduced by Campbell: A Bill for an Act entitled: "An Act providing for the admission in evidence of blood tests in certain cases, and providing for the payment of the costs of the same." Referred to the Committee on Judiciary.

Senate Bill No. 78, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 9111 of the Revised Codes of Montana, 1935, relating to summons and how a summons is served; and providing for the method of service of a summons in cases where a corporation has forfeited its Charter or right to do business in the State." Referred to the Committee on Judiciary.

Senate Joint Resolution No. 7, introduced by Committee on Insurance: A Joint Resolution to provide for the appointment of a joint committee to conduct an investigation into the methods and practices of the State Auditor and the ex-officio Commissioner of Insurance to determine the standing and report the administration of the State Insurance Law, and the handling of policies under such Act, and of the State Board of Examiners as to the insurance on State property and to investigate the reinsurance contract and authorizing said committee to hold hearings, subpoena witnesses, take testimony, and report its findings to the Senate and the House of Representatives." Referred to the Committee on Insurance.

House Bill No. 249, introduced by Mulholland, by request: A Bill for an Act entitled: "An Act making it unlawful the appointment by any court of this state of any corporation organized for any purpose whatsoever, its directors, officers, agents, attorneys, or employees, as administrator of any estate, executor or any last will and testament, or as guardian or any minor or minors, insane, or incompetent person, or



persons, excepting where such director, officer, agent, attorney or employee is entitled to take any part of said estate under the laws of succession of this state, and any legatee or devisee in any will who is entitled to take under a bequest in said will or testament a portion greater than ten per cent of the inventoried value of said estate; and providing the effect of any such nomination or appointment." Referred to the Committee on Judiciary.

House Bill No. 250, introduced by Mulholland: A Bill for an Act entitled: "An Act to amend Section 3074 of the Revised Codes of Montana of 1935, relating to the hours of telephone operators." Referred to the Committee on Labor.

House Bill No. 251, introduced by Brennan: A Bill for an Act entitled: "An Act to authorize the State Water Conservation Board to construct and operate an irrigation project known as the "Sidney Pumping Project" in Montana and North Dakota and to divert and convey waters from the Yellowstone River in Montana to the State of North Dakota for the operation of said project." Referred to the Committee on Water Conservation and Flood Control.

House Bill No. 252, introduced by Acher: A Bill for an Act entitled: "An Act to amend Section 8184 of the Revised Codes of Montana of 1935 relating to the qualification and designation of electors entitled to vote at irrigation district elections and the manner of voting by agents, co-owners and purchasers of land under contract of sale." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 253, introduced by Phelan, by request: A Bill for an Act entitled: "An Act to permit a Board of County Commissioners to employ a tax title clerk, defining the duties of such clerk and providing for salary." Referred to the Committee on Townships and Counties.

House Bill No. 254, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 1805.14 of the Revised Codes of Montana of 1935, relative to the salaries and compensation of the Commissioner of State Lands, the Assistant Commissioner, the Chief Field Agent, and all other officers, agents, and employees of the Department of State Lands and Investments." Referred to the Committee on Judiciary.

House Bill No. 255, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 11398 of the Revised Codes of Montana, 1935, relating to written threats prescribing what constitutes a written threat and making the commission of same a misdemeanor." Referred to the Committee on Judiciary.

House Bill No. 256, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to authorize and regulate the issuance of bonds for the purpose of refinancing, or of refinancing and improving, revenue-producing works, undertakings, and projects by cities and towns and the State Water Conservation Board and to provide for the payment of such bonds." Referred to the Committee on Judiciary.

House Bill No. 257, introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 8980, Revised Codes of Montana for 1935, prohibiting attorneys from acquiring claims for the purpose of bringing action thereon." Referred to the Committee on Judiciary.

House Bill No. 258, introduced by Trandum: A Bill for an Act entitled: "An Act to reduce taxes on real and personal property by limiting the

levies which may be made by Boards of County Commissioners and City and Town Councils and Commissioners for county and municipal taxes." Referred to the Committee on Townships and Counties.

House Bill No. 259, introduced by Burns: A Bill for an Act entitled: "An Act amending Section 2634.8 of the Revised Codes of Montana, 1935, relating to the purchase and sale of eggs; and repealing Section 2634.9 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith." Referred to the Committee on Dairying.

House Bill No. 260, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to provide for the disposition of all money received from income tax, corporation license tax, electric energy producer's license tax, metalliferous mines license tax, telegraph license tax, oil producer's license tax, natural gas distributor's license tax, store license tax, public contractor's license, cigarette dealers license, Montana Beer Act, inheritance tax, and profits from State Liquor Control Act of Montana: Amending Sections 2343.3, 2344.12, 2399 and 2815.50, Revised Codes of Montana, 1935; and repealing Sections 2295.28, 2303.12, 2355.9, 2408.9, 2420.10, 2433.8, 2435.4, 2815.157 and 10400.49, Revised Codes of Montana, 1935." Referred to the Committee on Appropriations.

House Bill No. 261, introduced by Phelan, by request: A Bill for an Act entitled: "An Act to amend Section 2209.1 of the Revised Codes of Montana for 1935, relative to taking of tax deeds by counties, cities and towns, so as to permit the Board of County Commissioners to employ a tax title clerk whose duties shall be, on order of the Board of County Commissioners, to apply to the County Treasurer for issuance of tax deeds, and making it his duty to give notice of application and to make proper proof thereof, and providing for payment and amount of salary to said tax title clerk." Referred to the Committee on Townships and Counties.

House Bill No. 262, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 6 of Article XVI, relating to certain officers and their terms of office." Referred to the Committee on Constitutional Amendments.

House Bill No. 263, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Section 5080 of the Revised Codes of Montana of 1935, relating to the liability of cities and towns for injury or damage to person or property received or suffered by reason of any defect in any bridge, street, road, sidewalk, culvert, park, public ground, ferry-boat, or public works of any kind in cities and towns." Referred to the Committee on Affairs of Cities.

House Bill No. 264, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to repeal Section 1709 of the Revised Codes of Montana of 1935." Referred to the Committee on Affairs of Cities.

House Bill No. 265, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Chapter 398, Political Code, Revised Codes of Montana, 1935, by adding thereto a Section to be designated and known as Section 5277.6 the purpose of which is to extend the security now afforded special improvement district bonds or warrants to include miscellaneous sidewalk and curb bonds or warrants issued pursuant to Section 5244, Revised Codes of Montana, 1935." Referred to the Committee on Affairs of Cities.

House Bill No. 266, introduced by Nelson, Chamberlain, Alvord, Longenecker, Kelson, Schneider, Parker, Bloom, O'Shea, DeDobbeleer: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section Six of Article Five of the Constitution of the State of Montana so as to provide that the Legislative Assembly shall assemble for a period of thirty days, then recess for a thirty day period and then reassemble for a thirty day period." Referred to the Committee on Constitutional Amendments.

House Bill No. 267, introduced by Daly: A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in or about hotels, restaurants, and cafes, and providing penalties for a violation thereof." Referred to the Committee on Labor.

House Bill No. 268, introduced by Johnson: A Bill for an Act entitled: "An Act to amend Section 3732 of the Revised Codes of Montana of 1935, relating to non-residents shipping game animals, game birds, fish, fur-bearing animals, or the skins of game animals and fur-bearing animals, or parts thereof out of the state." Referred to the Committee on Fish and Game.

House Bill No. 269, introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to amend Sections 2815.63, 2815.65, 2815.66, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana of 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana, and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Boards; creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the powers and duties of such officers; defining 'nuisance', and providing for the abatement of same and repealing Section 2815.52 of the Revised Codes of Montana of 1935." Referred to the Committee on Revenue and Taxation.

House Bill No. 270, introduced by Mungas: A Bill for an Act entitled: "An Act to amend Section 4916 of the Revised Codes of Montana, 1935, relating to the fees of Sheriffs." Referred to the Committee on Townships and Counties.

House Bill No. 271, introduced by Committee on State Boards and Offices, by request: A Bill for an Act entitled: "An Act to amend Sections 5108.2 and 5108.7 of the Revised Codes of Montana for 1935, relating to the creation of police reserves of police officers in cities and towns of the first and second class in the State of Montana and the qualification of members thereof, and providing for the tax levy for the payment of said police reserves and specifying the limitations of said levies." Referred to the Committee on State Boards and Offices.

House Bill No. 272, introduced by Toomey, by request: A Bill for an Act entitled: "An Act to amend Chapter 272 of the Political Code of the Revised Codes of the State of Montana of 1935, relating to the regulation of the practice of pharmacy; by repealing Section 3172 of the Revised Codes of Montana of 1935; and amending Sections 3174, 3175, 3177 of the Revised Codes of Montana of 1935; and by the addition to said Chapter 272 of two new Sections to be known as Sections 3174.1 providing for the revocation or suspension of pharmacists or licensees and enumerating causes therefor, providing for opportunity of such persons to be heard and provisions for the requirement of attendance of witnesses and punishment for disobedience; and 3174.2 of the Revised Codes of Montana of 1935 granting power to the Board of Pharmacy supervision



over sales of drugs and medicines in towns having no registered pharmacists; and by amending Sections 3181, 3183 and 3184 of the Revised Codes of Montana of 1935; by reenacting Sections 3202.7 and 3202.8 of the Revised Codes of Montana of 1935 and amending Section 3202.10 of the Revised Codes of Montana of 1935, all relating to the regulation of the practice of pharmacy, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Public Health.

House Bill No. 273, introduced by Smith: A Bill for an Act entitled: "An Act to amend Section 2453 of the Revised Codes of Montana of 1935, relating to the inspection and regulations of places of public resort." Referred to the Committee on Public Health.

House Joint Memorial No. 7, introduced by Cusick, Burns and Measure: A Resolution memorializing the Congress of the United States for the passage of legislation for the construction of the Hungry Horse Dam on the South Fork of the Flathead River in the State of Montana, as a flood control unit of the Columbia River Basin, and to prevent further floods in Flathead County, Montana. Referred to the Committee on Water Conservation and Flood Control.

House Joint Resolution No. 3, introduced by Toomey: A Joint Resolution memorializing the year 1939 as Montana's year of anniversaries, providing for proper observance thereof, establishing a commission to create and promulgate a program therefor and inviting statewide participation by all citizens therein. Referred to the Committee on Federal Relations.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following Bills correctly enrolled: House Bill No. 17 and House Bill No. 121.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 17, introduced by me, and find the same to be correct.

LEVISEE.

I have examined enrolled House Bill No. 121, introduced by me, and find the same to be correct.

McKENNA.

The Speaker signed the following in Open Session: House Bills Nos. 17 and 121.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Joffray in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (All amendments referring to printed bill unless otherwise specified.)

That House Bill No. 102 do pass.

That House Bill No. 59 be referred to the Committee on Judiciary.  
JOFFRAY, Chairman.

It was moved by Joffray, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Spiegel, duly seconded, that House Bill No. 59 be segregated from the report of the Committee of the Whole. A roll call was demanded, to



be entered in the Journal, by the required number. A Call of the House was demanded by the required number. On motion of Spiegel, duly seconded, further Call of the House was dispensed with.

The substitute motion by Spiegel, carried by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Daly, DeDobbeleer, Dougherty, Finnegan, Hamilton, Hess, Holecek, Joffray, Johnson, Kruse, Lambert, Lasby, Lippard, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Spiegel, Stortz, Vanek, Whaley, Mr. Speaker. Total 49.

Noes: Acher, Anderson (Phillips), Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Goodwin, Haight, Hardcastle, Hagan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Leeson, Lehrkind, Levisse, Longenecker, Love, Metlen, Miller (Big Horn), Minette, Mungas, O'Connor, O'Shea, Padbury, Reed, Scofield, Shanley, Smith, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood. Total 42.

Absent and not voting: Brayman, Cusick, Eggenberger, Freshman, Kelson, Lemmer, Lovell, Sorte, Stimatz. Total 9.

Passed their vote: Green, Sherman. Total 2.

Whereupon the report of the Committee of the Whole was adopted as amended.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:30 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker announced the following committee:

Conference Committee on House Amendments to Senate Bill No. 36: Brennan, Burns and Anderson of Phillips.

#### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 158, 183 and 222.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 271, respectfully report as follows: That House Bill No. 271 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 198, respectfully report as follows: That House Bill No. 198 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 4, respectfully report as follows: That Senate Joint Memorial No. 4 be concurred in.

MILLER (Roosevelt), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 246, respectfully report as follows: That House Bill No. 246 be amended as follows: Beginning on Line 30, Page 4 to insert the following:

“From the Firemen’s Disability Fund

For the payment of the distribution of the Firemen’s Disability Fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.”

Also on line 32 of Page 8 the following:

“From the Firemen’s Disability Fund

For the payment of the distribution of the Firemen’s Disability Fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.”

And as amended do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 250, respectfully report as follows: That House Bill No. 250 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 248, respectfully report as follows: That House Bill No. 248 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 133, respectfully report as follows: That House Bill No. 133 be amended as follows:

By striking out of Section 3, line two (2), the words “containing more than 3,000 inhabitants” and inserting in lieu thereof, the words “and such city electing to come under the provisions of this Act.”

By striking out of Section 13, in lines two (2) and three (3), the words “incorporated city in this state, containing more than three thousand inhabitants,” and insert in lieu thereof the words “city, and such city electing to come under the provisions of this Act.”

And as amended, do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 267, respectfully report as follows: That House Bill No. 267 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration House Bill No. 210, respectfully report as follows: That House Bill No. 210 do not pass.

It was moved by Ijams, duly seconded, that the report of the Committee be adopted.

On substitute motion, it was moved by Minette, duly seconded and carried, that House Bill No. 210 be referred to the Committee on Education.

Mr. Speaker: We, a Majority of your Committee on Privileges and Elections, having had under consideration House Bill No. 104, respectfully report as follows: That House Bill No. 104 do pass.

MILLER (Big Horn),  
DALY,  
SHANLEY,  
NELSON,  
ACHER,  
HAUGAN,  
CROUSE,  
LOVE,  
MILLER (Roosevelt),  
HARDCASTLE,  
BJORNEBY.

Mr. Speaker: We, a Minority of your Committee on Privileges and Elections, having had under consideration House Bill No. 104, respectfully report as follows: That House Bill No. 104 do not pass.

MINETTE,  
STIMATZ.

It was moved by Bjorneby, duly seconded, that the report of the Majority be adopted.

On substitute motion, it was moved by Minette, duly seconded, that the report of the Minority be adopted. Motion was lost. Whereupon the Majority report was adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration Senate Joint Resolution No. 7, respectfully report as follows: That Senate Joint Resolution No. 7 be concurred in.

JOHNSON, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 55, 102, 168, 164 and 138.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 117, respectfully report as follows: That House Bill No. 117 be amended as follows: By striking out the word "condemnation" in line 10 and inserting after the word "commission" and before the word "is" in line 16 the words "and the Governor" and striking the period after the word "law" in line 25 and inserting in lieu thereof a comma, and the following words and figures, "and provided further, that the rights and privileges granted under this Act shall cease and terminate November 30, 1938."

LEVISEE, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 220, respectfully report as follows: That House Bill No. 220 do not pass.

HEAVLIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration Senate Bill No. 41, respectfully report as follows: That Senate Bill No. 41 be concurred in.

CONNER, Chairman.

Report adopted.

#### MESSAGES FROM THE GOVERNOR

The Governor notified the House that he had this day approved the following: House Joint Memorial No. 2.

## MOTIONS AND RESOLUTIONS

It was moved by Toomey, duly seconded and carried, that House Bill No. 59 be taken from General Orders and referred to the Committee on Judiciary.

It was moved by Metcalf, duly seconded and carried, that Senate Bill No. 19 be taken from General Orders and referred to the Committee on Judiciary.

It was moved by Spiegel, duly seconded and carried, that Senate Joint Resolution No. 7 be placed on General Orders at the head of the list.

It was moved by Masterson, duly seconded and carried, that action on House Bill No. 137 be postponed until Friday, February 12, 1937.

## INTRODUCTIONS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

House Bill No. 274, introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act appropriating money for the payment of a certain judgment duly and regularly made and entered in the District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark against the State of Montana, in the sum of two thousand six hundred ninety five dollars (\$2695.00) in favor of Pietro Maria Amabile Notti as Consular Agent of Italy, by reason of said money belonging to Steve Angelo, deceased, an Italian subject and which money was paid and delivered to the State Treasurer of the State of Montana, pursuant to Section 10001, Revised Codes of the State of Montana, 1935, relating to the duties of Public Administrators in handling escheated estates, and directing the State Auditor to draw his warrant in settlement of said Judgment." Referred to the Committee on Appropriations.

House Bill No. 275, introduced by Mungas, by request: A Bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of a barber shop or beauty parlor within this state to pay to the State Treasurer for engaging in carrying on such business certain license fees for the exclusive use and benefit of the State of Montana: Fixing the amount of such license; prescribing methods for assessment and collection thereof; the penalties for violation of the provisions of this Act." Referred to the Committee on Public Health.

House Bill No. 276, introduced by Miles, Stortz, Masterson: A Bill for an Act entitled: "An Act requiring license for the operation, maintenance, opening or establishment of movie theatres; relating to exemptions from such license requirement; relating to the collection and disposition of license fees and amending Section 2434 of the Revised Codes of Montana of 1935, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Revenue and Taxation.

House Bill No. 277, introduced by Scofield and others: A Bill for an Act entitled: "An Act to amend Section 2620.45, Revised Codes of Montana for 1935, having to do with the license fees for persons, firms or corporations selling, exchanging or offering for sale, or having in possession with intent to sell, oleomargarine, imitation or filled cheese, or any substitute for any dairy product made from milk or cream and exceptions thereto." Referred to the Committee on Dairying.

House Bill No. 278, introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act permitting Arthur



Williams of Silver Bow County, Montana, to file a claim for compensation for alleged industrial accident after expiration of six months from date of the happening of the alleged accident, injury and disability, and permitting notice thereof to be deemed given." Referred to the Committee on Judiciary.

House Bill No. 279, introduced by Mitchell: A Bill for an Act entitled: "An Act to amend Section 2757 of the Revised Codes of Montana, 1935, relating to compensation of officers." Referred to the Committee on Workmen's Compensation.

House Bill No. 280, introduced by Metlen, Miller (Big Horn), Ruffcorn, Brennan, Sherman, Stromnes, McKenna, Stortz and Scofield: A Bill for an Act entitled: "An Act to create the office of Commissioner of State Securities in connection with the State Banking Department, providing for his appointment, powers, duties, term of office and salary." Referred to the Committee on State Boards and Offices.

House Bill No. 281, introduced by Metlen, Miller (Big Horn), Ruffcorn, Brennan, Sherman, McKenna, Scofield, Stromnes, Stortz: A Bill for an Act entitled: "An Act to amend Sections 1805.1, 1805.2, 1805.5, 1805.8, 1805.10, 1805.11, 1805.14 and 1805.120, of the Revised Codes of Montana, 1935: and to repeal Section 1805.9 of the Revised Codes of Montana of 1935, relating to the Department of State Lands." Referred to the Committee on State Boards and Offices.

House Bill No. 282, introduced by Bower: A Bill for an Act entitled: "An Act amending Section 4880 of the Revised Codes of Montana, 1935, relating to the maximum number of Deputy Treasurers, Assessors, Auditors and County Attorneys and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Townships and Counties.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Joffray in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Joint Resolution No. 7 be concurred in.

That the enacting clause be stricken from House Bill No. 200.

That House Bill No. 195 do pass.

That House Bill No. 189 do pass.

That House Bill No. 176 be amended as follows: Amend after the title by striking out all of lines 1 to 13 inclusive; and as amended do pass.

That House Bill No. 134 be amended as follows: Amend Section 1 by striking out all of Subsection (b) beginning on line 8, all of Subsection c, and Subsection d, to and including Line 51; and amend the title by striking out the remainder of the title after the word "taxes" in line 3; and as amended do pass.

That Substitute House Bill No. 28 do pass.

That House Bill No. 100 be amended as follows: Amend Section 3, in line 9, 10 and 11 by striking out the words "three men nominated by"; and as amended do pass.

That House Bill No. 132 be amended as follows: Amend Section 3 by inserting after the word "lowest" the word "responsible"; amend

Section 10 by striking out in line 1 after the word "Appointed" the word "state"; and as amended do pass.

That Senate Bill No. 44 be concurred in.

That consideration of Senate Bill No. 56 be passed for the day.

That Substitute Senate Bill No. 3 be amended as follows: Amend Section 1 by striking out in line 8 the words "twelve o'clock noon" and inserting in lieu thereof the words "nine o'clock A. M." and as amended be concurred in.

That Senate Amendments to House Bill No. 32 be concurred in.

That Senate Amendments to House Bill No. 93 be concurred in.

JOFFRAY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bill correctly enrolled: House Bill No. 151.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 151 introduced by me and find the same to be correct.

MITCHELL.

The Speaker signed the following in Open Session: House Bill No. 151, Senate Bills Nos. 22, 18, 48, 45, 46, 38, 37 and 33.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that Senate Joint Resolution No. 7 be placed on Third Reading.

### THIRD READING

The following, having been read three several times, history and title agreed to, was disposed of as follows:

Senate Joint Resolution No. 7 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardecastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Levisse, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Padbury, Smith, Stromnes. Total 3.

Absent and not voting: Brayman, Chatham, Cusick, Green, Heavlin, Holecek, Kelson, Lemmer, Lippard, Love, Lovell, Manning, Peterson (Pondera), Schneider, Sorte, Stimatz. Total 16.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Thursday morning, February 11th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## THIRTY-NINTH DAY

House of Representatives,  
Helena, Montana,  
February 11, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following, who were excused: Brayman, Cusick, Kelson, Lemmer, Lovell and Stimatz.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-eighth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 141, 179, 180, 203, 204, 207 and 221.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 189 and 195, Substitute House Bill No. 28.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 279, respectfully report as follows: That House Bill No. 279 be referred to Committee on Townships and Counties, as it does not deal with Workmen's Compensation and deals only with mileage payments to fire chiefs in incorporated and unincorporated villages.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 236, respectfully report as follows: That House Bill No. 236 do not pass.

HEAVLIN, Chairman.

It was moved by Heavlin, duly seconded, that the report be adopted. On substitute motion, it was moved by Chamberlain, duly seconded, that House Bill No. 236 be printed and placed on General Orders. A roll call was demanded by the required number and motion was lost by the following vote: Ayes: 42, Noes: 46, Absent: 13, Pass: 1. Whereupon, report of the committee was adopted.

Mr. Speaker: We, your Committee on Aviation, having had under consideration House Bill No. 178, respectfully report as follows: That House Bill No. 178 do not pass.

LEHRKIND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Aviation, having had under consideration House Bill No. 186, respectfully report as follows: That House Bill No. 186 do not pass.

LEHRKIND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 94, respectfully report as follows: That House Bill No. 94 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 148, respectfully report as follows: That House Bill No. 148 be amended as follows:

Change the first word "two" in Line 7 to the word "one"

Add at the end of Section 1., "The music supervisor must possess the following qualifications: a graduate in Public School Music from an accredited college or university, and said supervisor shall have had five (5) years teaching experience in public school music. The music supervisor shall perform only such duties as apply to music supervision." And as amended, do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 245, respectfully report as follows: That House Bill No. 245 be recommended for passage.

MANNING, Chairman.

Report adopted.

### MESSAGES FROM THE GOVERNOR AND SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 13 and 19.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 70, 39, 76, 91 and 92.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 115 and 116.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

The Governor advised the House that he had approved the following measures: House Bills Nos. 17, 44, 81, 84, 97, 121 and 151. House Joint Resolution No. 1.

### MOTIONS AND RESOLUTIONS

It was moved by Peterson (Pondera), duly seconded and carried, that House Bill No. 158 be taken from General Orders and referred to the Committee on Revenue and Taxation.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

Senate Bill No. 70, introduced by Committee on Compensation: A Bill for an Act entitled: "An Act to amend Section 2891 of the Revised Codes of Montana of 1935, relating to the compensation to children, brothers and sisters, and invalid children, and when such compensation ceases, all under the Workmen's Compensation Act." Referred to the Committee on Workmen's Compensation.

Senate Bill No. 39, introduced by Weinschrott, Oliver and Anderson: A Bill for an Act entitled: "An Act to permit real estate which has been



sold to the county for delinquent taxes and to which the county has taken a Tax Deed and now holds title thereto, may be repurchased from tax sale by paying the original tax providing such original tax be paid on or before December 1, 1938." Referred to the Committee on Townships and Counties.

Senate Bill No. 76, introduced by Ecton: A Bill for an Act entitled: "An Act to amend Sections 2711.1 and 2711.4 of the Revised Codes of Montana of 1935, relating to cutting, moving, raising or interfering with electric wires and lines." Referred to the Committee on Judiciary.

Senate Bill No. 91, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act amending Section 10376 of the Revised Codes of Montana, 1935, relating to the powers of Clerks of the District Courts to issue notices, orders, and hold hearings in probate and guardianship matters, and providing for the modification or setting aside of any notices or orders so made." Referred to the Committee on Judiciary.

Senate Bill No. 92, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 2215.2 of the Revised Codes of Montana, 1935, being Section 2 of Chapter 176 of the Session Acts of the Twenty-third Legislative Assembly of Montana of 1933 relating to tax deeds and providing the method and procedure to be followed in applying for a tax deed and for the issuance thereof by action in the District Court and outlining the essentials of a complaint in such proceedings and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 283, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana by amending Section 1 of Article XVIII, relating to and providing for a Bureau of Agriculture and a Bureau of Labor and Industry." Referred to the Committee on Judiciary.

House Bill No. 284, introduced by Anderson (Silver Bow): A Bill for an Act entitled: "An Act to restrict the manner of taking and possessing fish and game and powers of the State Fish and Game Commission relating thereto, to conserve the supply of game fish within the State of Montana, and to amend Section 3694 of the Revised Codes of Montana of 1935." Referred to the Committee on Fish and Game.

House Bill No. 285, introduced by Schneider: A Bill for an Act entitled: "An Act to amend Section 1190 of the Revised Codes of Montana 1935, relating to contracts for supplying textbooks by the State Textbook Commission." Referred to the Committee on Education.

House Bill No. 286, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 5553.8 of the Revised Codes of Montana, 1935, relating to the distribution and sale of the Revised Codes of Montana, 1935, by the Secretary of State, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

House Bill No. 287, introduced by Committee on Judiciary, by request: A Bill for an Act entitled: "An Act to amend Section 812.12 of the Revised Codes of Montana of 1935, relating to the rotation of names on the Judicial Ballot." Referred to the Committee on Privileges and Elections.

House Bill No. 288, introduced by McLeod: A Bill for an Act entitled: "An Act to amend Section 9716 of the Revised Codes of Montana

of 1935, relative to court costs in Justice Courts." Referred to the Committee on Judiciary.

House Bill No. 289, introduced by Campbell: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana 1935, relating to registration of motor vehicles, fees, disposal of proceeds, fee for half year, dealers' registration and transfer thereof, and exempting public owned vehicles; and providing fees for tractors, defining same, and fees for trailers and semi-trailers." Referred to the Committee on Revenue and Taxation.

House Bill No. 290, introduced by Johnson and Anderson (Phillips): A Bill for an Act entitled: "An Act amending Section 2201 of the Revised Codes of Montana, 1935, relating to the time for redemption from tax sales and providing for an increased time for redemption." Referred to the Committee on Judiciary.

House Bill No. 291, introduced by DeDobbeleer, Ruffcorn, Waldrop, Reed, Acher, Anderson (Phillips), Hamilton: A Bill for an Act entitled: "An Act appropriating money for the payment to certain named Cooperative Grazing Associations of fees paid the Secretary of State for filing Articles of Incorporation; stating reasons for such refunds and manner for securing same; and dissolving incorporation of associations securing such refund." Referred to the Committee on Appropriations.

House Bill No. 292, introduced by Mulholland, Finnegan, DeDobbeleer: A Bill for an Act entitled: "An Act relating to the time for filing a claim with the employer, the insurer, or the Industrial Accident Board, under the Workmen's Compensation Act, in case of personal injury to any person connected with, or engaged in, a hazardous occupation, and permitting notice of such injury deemed waived." Referred to the Committee on Workmen's Compensation.

House Bill No. 293, introduced by Lambert: A Bill for an Act entitled: "An Act creating a Department of Civil Service for the State of Montana, Prescribing the powers, duties, and procedure of the Civil Service Commission and the Director of the State Civil Service in said department: Providing for and regulating the Civil Service in said state; prescribing penalties for the violation of the provisions of this Act; repealing certain Acts and parts of Acts inconsistent with the provisions of this Act; and making appropriation for the support of the said department." Referred to the Committee on Appropriations.

House Bill No. 294, introduced by Finnegan: A Bill for an Act entitled: "An Act appropriating a sum sufficient to cover the hospitalization charges and doctor bills of Gilbert McMullen." Referred to the Committee on Appropriations.

House Bill No. 295, introduced by Bjorneby: A Bill for an Act entitled: "An Act to amend Section 2169.2 of the Revised Codes of Montana, 1935, relating to time for payment of taxes, penalty and interest, and providing for discount of two percent (2%) on taxes paid on or before the thirtieth (30th) day of November of each year." Referred to the Committee on Townships and Counties.

House Bill No. 296, introduced by Masterson, Stortz and Miles: A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks; limiting the legal rate of interest thereof; prescribing licenses and filing fees to be paid therefore; and providing for the disposition of such fees; and prescribing certain powers and duties of the said Board of Equalization in connection therewith;

and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Banks and Banking.

House Bill No. 297, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment to the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana." Referred to the Committee on Appropriations.

House Bill No. 298, introduced by Committee on Agriculture: A Bill for an Act entitled: "An Act to create soil conservation districts; to create a State Soil Conservation Committee; to define its powers and duties and to declare an emergency." Referred to the Committee on Agriculture.

House Bill No. 299, introduced by Anderson (Lincoln): A Bill for an Act entitled: "An Act to amend Section 3697 of the Revised Codes of Montana, 1935, relating to open season for deer and making the waste of meat unlawful under the provisions of the Fish and Game Act." Referred to the Committee on Fish and Game.

House Bill No. 300, introduced by O'Connor: A Bill for an Act entitled: "An Act to amend Sections 1075 and 1262.39 of the Revised Codes of Montana, 1935, relating to the re-election of teachers, when automatic, and acceptance of appointment as teacher; and the notice given a District Superintendent of Schools for renewal of contract." Referred to the Committee on Education.

House Bill No. 301, introduced by Committee on Education: A Bill for an Act entitled: "An Act providing for the redistricting of the State of Montana for school administration and attendance purposes; for the creation of larger districts; abolishing all districts as now existing, disposing of their property and making provision for payment of their indebtedness; providing for the election of new Boards of Trustees, fixing their number and terms of office and specifying their duties, and the manner of nominating and electing such Trustees; providing for the preparation and adoption of school budgets; providing for tax levies for all purposes for elementary and secondary schools, and for the distribution and apportionment of the proceeds of such tax levies and income from other sources for public school purposes; and for other purposes necessary and incidental in connection with the maintenance of the public schools of the State of Montana; and repealing Sections 985 to 990, inclusive, Sections 997, 998, 1001, 1006, 1007, 1010.2, 1019, 1020, 1021, 1023, 1024, 1027, 1034, 1035, 1036, 1036.1, 1036.2, 1037.1 1037.2, 1037.3, 1037.4, 1037.5, 1039.7, 1039.8, 1039.9, 1039.10, Sections 1040 to 1048, inclusive, Sections 1182, 1183, 1199, 1202, and 1203, Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith are hereby repealed." Referred to the Committee on Education.

House Bill No. 302, introduced by Longenecker: A Bill for an Act entitled: "An Act relative to the disbursement of funds derived from the registration or reregistration of motor vehicles; providing that a certain amount of such funds shall be expended by Boards of County Commissioners on the streets and alleys of certain incorporated cities and towns, and under the direct supervision of the County Surveyor of such county." Referred to the Committee on Townships and Counties.

House Joint Resolution No. 4, introduced by Stortz: A Resolution requesting Congress of the United States to bring about the ratification of the treaty relating to a through seaway via the St. Lawrence River and requesting immediate action in this regard on the part of the President of the United States. Referred to the Committee on Federal Relations.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following Bill correctly enrolled: House Bill No. 37.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 37, introduced by me, and find the same to be correct.

McCLAIN.

The Speaker signed in Open Session the following: House Bill No. 37.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 297, respectfully report as follows: That House Bill No. 297 be recommended for passage.

MANNING, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Manning, duly seconded and carried, that House Bill No. 297 be considered correctly printed and placed on General Orders.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 44 was not concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Conner, Crouse, Cruickshank, Daly, D'Ewart, Freshman, Green, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Ijams, Jackson, Johnson, Kruse, Lippard, Longenecker, Love, Metlen, Miles, Miller (Big Horn), Minette, Mungas, O'Shea, Padbury, Phelan, Scofield, Sherman, Smith, Toomey, Trandum, Wenger. Total 36.

Noes: Alvord, Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, DeDobbeleer, Dougherty, Elliott, Hess, Lambert, Lasby, Leeson, Levisse, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 43.

Absent and not voting: Brayman, Campbell, Chatham, Cohen, Cusick, Eggenberger, Goodwin, Haight, Haugan, Holecek, Joffray, Kelson, Lehrkind, Lemmer, Lovell, Manning, Masterson, O'Connor, Peterson (Pondera), Shanley, Stromnes, Stimatz. Total 22.

Passed their vote: Finnegan. Total 1.

Senate Joint Memorial No. 3 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott,



Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 84.

Noes: Levissee. Total 1.

Absent and not voting: Anderson (Chouteau), Brayman, Chatham, Cusick, D'Ewart, Haight, Kelson, Kruse, Lemmer, Lovell, Mackie, Masterson, Metlen, Peterson (Sheridan), Shanley, Stimatz, Stromnes. Total 17.

Speaker Pro Tem in the Chair.

House Bill No. 164 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Holecek, Ijams, Johnson, Kruse, Lambert, Lasby, Levissee, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Wenger, Whaley, Wood. Total 71.

Noes: Conner, Crouse, Cruickshank, Hedden, Jackson, Leeson, Lehrkind, Padbury, Waldrop. Total 9.

Absent and not voting: Acher, Anderson (Chouteau), Brayman, Chatham, Cusick, Haight, Heavlin, Joffray, Kelson, Lemmer, Lovell, McKenna, Masterson, Metlen, Minette, Peterson (Pondera), Scofield, Shanley, Smith, Stimatz, Stromnes, Mr. Speaker. Total 22.

House Bill No. 168 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 80.

Noes: Mitchell. Total 1.

Absent and not voting: Brayman, Campbell, Conner, Cusick, Haight, Hamilton, Joffray, Kelson, Lemmer, Levissee, Lovell, Manning, Masterson, Metlen, Minette, Scofield, Smith, Stimatz, Stortz, Stromnes, Mr. Speaker. Total 21.

House Bill No. 102 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Waldrop, Wenger, Whaley. Total 77.

Noes: D'Ewart, Hoiness, Leeson, Padbury, Smith, Toomey, Wood. Total 7.

Absent and not voting: Brayman, Chatham, Cusick, Freshman, Green, Joffray, Kelson, Lemmer, Levissee, Lovell, Masterson, Metlen, Minette, Scofield, Stimatz, Stromnes, Vanek, Mr. Speaker. Total 18.

House Bill No. 55 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Levissee, Longenecker, Love, McClain, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 85.

Noes: Lippard. Total 1.

Absent and not voting: Anderson (Chouteau), Brayman, Chatham, Cusick, Joffray, Kelson, Lemmer, Lovell, McKenna, Metlen, Miller (Big Horn), Minette, Mulholland, Stimatz, Stromnes, Mr. Speaker. Total 16.

Senate Amendments to House Bill No. 32 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley, Wood. Total 84.

Noes: None.

Absent and not voting: Anderson (Lincoln), Brayman, Chatham, Cusick, Elliott, Kelson, Lemmer, Lovell, Metlen, Miller (Roosevelt), Minette, Mitchell, Schneider, Smith, Stimatz, Stromnes, Vanek, Mr. Speaker. Total 18.

House Bill No. 138 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Lincoln), Bjerneby, Bloom, Bower, Campbell, Chamberlain, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, McClain, McKenna, Manning, Masterson, Measure, Metcalf, Miles, Miller (Big Horn), Monahan, Mungas, Nelson, O'Shea, Peterson (Pondera), Phelan, Reed, Schneider, Scott, Shanley, Trandum, Tyler, Waldrop, Wenger. Total 53.

Noes: Acher, Anderson (Silver Bow), Anderson (Phillips), Cohen, Conner, Dougherty, Finnegan, Freshman, Goodwin, Green, Hardcastle, Holecek, Jackson, Kruse, Levissee, McLeod, Mitchell, Mulholland, O'Connor, Padbury, Parker, Ruffcorn, Scofield, Sherman, Smith, Sorte, Stortz, Toomey, Vanek, Whaley, Wood. Total 31.

Absent and not voting: Brayman, Brennan, Burns, Chatham, Cusick, Haight, Kelson, Lemmer, Lovell, Mackie, Metlen, Miller (Roosevelt), Minette, Stimatz, Stromnes, Mr. Speaker. Total 16.

Passed their vote: Peterson (Sheridan), Spiegel. Total 2.

Senate Amendments to House Bill No. 93 were concurred in by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brennan, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Kruse, Lasby, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood. Total 70.

Noes: Bjerneby, Haugan, Hess, Johnson, Lambert, Peterson (Pondera). Total 6.

Absent and not voting: Acher, Alvord, Bloom, Brayman, Burns, Campbell, Chatham, Cusick, DeDobbeleer, Dougherty, Eggenberger, Elliott, Freshman, Kelson, Lemmer, Lovell, McKenna, Manning, Metlen, Miller (Big Horn), Minette, Shanley, Stimatz, Stromnes, Whaley, Mr. Speaker. Total 26.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

House Bill No. 195 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Bloom, Bower, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Love, McClain, McKenna, McLeod, Manning, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 67.

Noes: Chatham, Ijams, Lehrkind, Levissee, Longenecker. Total 5.

Absent and not voting: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Brayman, Brennan, Campbell, Conner, Cusick, Freshman, Hamilton, Hoiness, Kelson, Kruse, Lemmer, Lovell, Mackie, Masterson, Metcalf, Metlen, Minette, O'Connor, Padbury, Peterson (Sheridan), Smith, Stimatz, Stromnes, Toomey. Total 29.

Passed their vote: Lippard. Total 1.

House Bill No. 189 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin,



Hedden, Hess, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: Chatham. Total 1.

Absent and not voting: Acher, Anderson (Phillips), Bjorneby, Brayman, Campbell, Conner, Cusick, Hamilton, Hoiness, Kelson, Kruse, Lemmer, Levissee, Lovell, McKenna, Masterson, Metlen, Miles, Monahan, O'Connor, Peterson (Sheridan), Smith, Stimatz, Stromnes, Toomey. Total 25.

Substitute House Bill No. 28 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lambert, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Lasby, Smith, Spiegel. Total 3.

Absent and not voting: Anderson (Phillips), Brayman, Brennan, Campbell, Conner, Cusick, Hamilton, Haugan, Joffray, Kelson, Kruse, Lemmer, Lovell, Masterson, Metlen, Monahan, O'Connor, Schneider, Stimatz, Stromnes. Total 20.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 216 do pass.

That House Bill No. 297 do pass.

That House Bill No. 150 be amended as follows: Amend Section 3 by striking out in line 1 the word "director" and inserting in lieu thereof the words "distributor"; and as amended do pass.

That House Bill No. 157 be amended as follows: Amend the title in line 4 by striking out the figures "1921" and inserting in lieu thereof the figures "1935" and amend Section 6 in line 2 by striking out the figures "1921" and inserting in lieu thereof the figures "1935"; and as amended do pass.

That House Bill No. 183 do pass.

That House Bill No. 222 be amended as follows: Amend Section 1 by striking out in line 3 the word "when" and inserting the word "when" after the Section number and preceding the word "arrest", striking the comma after the word "allowed" and inserting a semi-colon in lieu thereof;



and amend in line 4 by inserting a semi-colon after the word "county"; and as amended do pass.

HAIGHT, Chairman.

Report adopted.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee on House Amendments to Senate Bill No. 36, report and recommend as follows: strike out in line five (5) of the Committee of the Whole of the House Amendment the words "the word assistant and"; strike out in the House Committee of Employment Amendment in line twenty-two (22) the words "the head janitor of the House of Representatives"; and in line 25 strike out the words "the Secretary of the House of Representatives Judiciary Committee" and as so amended we recommend that Senate Bill No. 36 be concurred in.

PLANK,  
KROMAN,  
ARMSTRONG,

For the Senate.

BRENNAN,  
ANDERSON (Phillips),  
BURNS,

For the House.

### STATEMENT

This Amendment reduces the pay of Head Janitor and Judiciary Committee Secretary to \$5.00 in place of \$6.00 per day.

BRENNAN, Chairman (House).  
PLANK, Chairman (Senate).

On motion of Brennan, duly seconded, report of Conference Committee on House Amendments to Senate Bill No. 36, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Longenecker, Love, McKenna, Manning, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scott, Sherman, Smith, Sorte, Spiegel, Toomey, Trandum, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 72.

Noes: DeDobbeleer, Freshman, Ijams, Joffray, Levissee, Lippard, McLeod, Mackie, Miles, Mungas, Ruffcorn, Seofield, Shanley, Stromnes, Whaley. Total 15.

Absent and not voting: Anderson (Silver Bow), Brayman, Campbell, Cusick, Kelson, Kruse, Lemmer, Lovell, McClain, Measure, Metlen, Mulholland, Stimatz, Stortz, Tyler. Total 15.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 167, respectfully report as follows: That House Bill No. 167 be amended as follows:

In Line fourteen (14) of Section 1, insert after the word "a" the word "valid" and after the word "state" the words "or life", and in line fifteen (15) after the word "a" the word "valid" and after the word "state", the words "or life" and in line 21, 22 and 23 strike out all the rest of the sentence beginning with the word "and". And as amended do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Bill No. 298, respectfully report as follows: That House Bill No. 298 do pass.

MILLER (Roosevelt), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 282, respectfully report as follows: That House Bill No. 282 do pass.

ANDERSON, (Chouteau), Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 140, 165.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 274, respectfully report as follows: That House Bill No. 274 be recommended for passage.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 193, respectfully report as follows: That House Bill No. 193 be amended as follows:

Amend by striking out the word "livestock" in line 22 of the original bill and inserting after the words "any other personal property" at the end of line 22 a comma and the words "with the exception of livestock". And as amended do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 206, respectfully report as follows: That House Bill No. 206 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 59, respectfully report as follows: That Senate Bill No. 59 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 215, respectfully report as follows: That House Bill No. 215 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 49, respectfully report as follows: That Senate Bill No. 49 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 192, respectfully report as follows: That House Bill No. 192 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 194, respectfully report as follows: That House Bill No. 194 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 53, respectfully report as follows: That Senate Bill No. 53 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 169, respectfully report as follows: That House Bill No. 169 do not pass.

It was moved by Stromnes, duly seconded, that the report be adopted. On substitute motion, it was moved by Haight, duly seconded and carried, that House Bill No. 169 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 181, respectfully report as follows: That House Bill No. 181 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 286, respectfully report as follows: That House Bill No. 286 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 256, respectfully report as follows: That House Bill No. 256 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 255, respectfully report as follows: That House Bill No. 255 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 264, respectfully report as follows: That House Bill No. 264 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 265, respectfully report as follows: That House Bill No. 265 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 209, respectfully report as follows: That House Bill No. 209 be amended as follows:

By re-inserting in Line 6 of the Title the word "persons".

By striking out in Line 7½ of the amended Title after the word "herefrom" the words "Life Insurance Companies".

By re-inserting in Section 1, Line 13 the word "life" and in Line 20 the words "persons or".

By striking out in Section 1, Line 21, as amended of February 8, after the words "any insurable" the word "property".

By re-inserting in Section 1, Line 31 the word "resident", in Line 30 the word "persons ", in Line 31 the word "resident", and on Page 2, Line 2 the words "or Person".

By re-inserting in Section 3, Line 30 the words "life insurance companies".

The bill will now read as the original has been typewritten. And as amended do pass.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 259, respectfully report as follows: That we unanimously recommend that House Bill No. 259 do not pass.

O'SHEA, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 300, respectfully report as follows: That House Bill No. 300 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 210, respectfully report as follows: That House Bill No. 210 be amended as follows:

Amend title—line 7 by inserting before word "public" the word "state" and after the word "public" the word "school".

Amend Section 5, line 11, by inserting before the word "public" the word "state".

Amend Section 6, line 17, by inserting before the word "public" the word "state", and in line 20 strike the first "and" inserting in lieu thereof the word "including".

Amend Section 7, line 29, by inserting before the word "public" the word "state", and in line 3, insert before the word "public" the word "state", also in line 12 insert the word "State" before the word "public". And as amended do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 239, respectfully report as follows: That House Bill No. 239 do not pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 233, respectfully report as follows: That House Bill No. 233 be amended as follows:

Amend Section 1, line 2, by striking out the word "may" after the word "school" and inserting therein the words "are allowed to". And as amended do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 232, respectfully report as follows: That House Bill No. 232 do pass.

HAIGHT, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 266 respectfully report as follows: That House Bill No. 266 be amended as follows:

By amending Section 2, line twenty-seven (27) by striking out the words "nor shall more than one bill be introduced by any one member after such reassembling." And as amended do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 240, respectfully report as follows: That House Bill No. 240 do pass.

LEVISEE, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 217, respectfully report as follows: That House Bill No. 217 do not pass.

LEVISEE, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration Senate Bill No. 70, respectfully report as follows: That Senate Bill No. 70 be amended as follows:

Amend Section One of the printed bill by adding after line sixteen (16) of the printed bill, "an orphan as defined herein shall mean a child who is bereaved of both parents." And as amended, be concurred in.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 292, respectfully report as follows: That House Bill No. 292 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Horticulture, having had under consideration House Bill No. 202, respectfully report as follows: That House Bill No. 202 be printed and placed on General Orders.

METCALF, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways, having had under consideration House Bill No. 234, respectfully report as follows: That House Bill No. 234 do pass.

HEAVLIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 3, respectfully report as follows: That House Joint Resolution No. 3 do pass.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Bill No. 32, respectfully report as follows: That Senate Bill No. 32 be concurred in.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 301, respectfully report as follows: That House Bill No. 301 do pass.

HAIGHT, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House pass consideration of House Bills No. 141, 207, 204, 140 and 165 on General Orders for the day.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 297 be considered correctly engrossed and placed on Third Reading.

It was moved by McLeod, duly seconded and carried, that the House reconsider its action on Senate Bill No. 44.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees: All appropriation measures having been read at length.

House Bill No. 303, introduced by Lehrkind: A Bill for an Act entitled: "An Act to prohibit persons not owners of a right to use waters of an adjudicated stream or other adjudicated source of water supply, from diverting water therefrom, raising or lowering headgates, or interfering with a Water Commissioner in the performance of his duties and providing penalties for the violation of this Act." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 304, introduced by Hess: A Bill for an Act entitled: "An Act to provide for the examination and licensing of superintendents and operators in charge of water purification or treatment plants and sewage treatment plants under the direction of the Department of Health of the State of Montana." Referred to the Committee on Irrigation and Water Rights.

House Bill No. 305, introduced by Committee on Education: A Bill for an Act entitled: "An Act to amend Section 1054 of the Revised Codes of Montana, 1935, relating to the courses of study in public schools." Referred to the Committee on Education.

House Bill No. 306, introduced by Anderson (Lincoln) and Alvord: A Bill for an Act entitled: "An Act to amend Section 4867 of the Revised Codes of Montana, 1935, relating to salaries of county officers and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Townships and Counties.

House Bill No. 307, introduced by Crouse: A Bill for an Act entitled: "An Act relating to the open season for hunting and killing of elk in Gallatin County, State of Montana, providing for the powers and duties of the Montana State Fish and Game Commission relative to the provisions of this Act, making the violation of this Act a misdemeanor, providing a penalty for such violation and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Fish and Game.

House Bill No. 308, introduced by Peterson (Pondera), by request: A Bill for an Act entitled: "An Act to amend Sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513.1 and 4513.2 relating to noxious weeds, defined—nuisance; providing for the destruction of weeds in highways; providing for the creation of weed extermination area and for a weed commissioner and defining his employment and duties; providing for inspection of premises, notice to occupants and service of notice; providing for the destruction of weeds by authorities of notice not observed—collection of costs; providing for the destruction of weeds mingled with crop, authorizing County Commissioners to create an Noxious Weed Extermination Fund to be

used for the destruction of noxious weed; and providing for the furnishing of materials for extermination of noxious weeds and the collection of costs therefor." Referred to the Committee on Agriculture.

House Bill No. 309, introduced by Ijams: A Bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State Infantile Paralysis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Referred to the Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 310, introduced by Chatham: A Bill for an Act entitled: "An Act to establish a State Hospital to be known as the 'Montana State Infantile Paralysis Sanitarium' in some suitable location in the State of Montana, for the treatment of infantile paralysis, prescribing rules and regulations for the same, and making appropriations therefor." Referred to the Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 311, introduced by Mulholland and Wenger: A Bill for an Act entitled: "An Act providing for breeding and propagating game birds and animals and fur-bearing animals, and prohibiting the raising of game animals known as elk, deer, antelope, rocky mountain sheep and rocky mountain goats for commercial purposes, and to amend Section 3777 of the Revised Codes of Montana." Referred to the Committee on Fish and Game.

House Bill No. 312, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money from the State General Fund for the salary of bandmaster and instructor at the Montana State Prison, and to prevent the termination of the W. A. Clark Trust for the benefit of prisoners at said institution, for the biennium July 1, 1937, to June 30, 1939." Referred to the Committee on Appropriations.

House Bill No. 313, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to amend Section 194 of the Revised Codes of Montana for 1935, relating to income from various funds of this state, accounting therefor, abolishing 'revolving funds' and providing for credits to and for the General Fund." Referred to the Committee on State Boards and Offices.

House Bill No. 314, introduced by McClain, Monahan and Brennan: A Bill for an Act entitled: "An Act relating to life, health and accident insurance companies who issue group insurance policies and certificates; and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Insurance.

House Bill No. 315, introduced by Scofield and Padbury: A Bill for an Act entitled: "An Act to provide for the return of certain premiums paid by the County of Lewis and Clark and School District No. 91 Powder River County to the State of Montana for insurance on its public buildings in accordance with Chapter 179 of the Session Laws of the Twenty-fourth Legislative Assembly of 1935 and to appropriate money therefor." Referred to the Committee on Appropriations.

House Bili No. 316, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment of certain claims for refunds of gasoline tax paid by the various departments of the United States government." Referred to the Committee on Appropriations.

House Bill No. 317, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims for refund of taxes erroneously paid into the State Treasury." Referred to the Committee on Appropriations.

House Bill No. 318, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the purchase of new floor coverings for the House and Senate Chambers and Lobbies." Referred to the Committee on Appropriations.

House Bill No. 319, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims arising from the operation of the State Vocational School for Girls, the Montana State Hospital and the State School for the Deaf and Blind." Referred to the Committee on Appropriations.

House Bill No. 320, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for certain claims arising from the operation of certain boards, commissions and departments of the state government during the biennium July first 1933 to June 30th 1935 for which departments, boards and commissions the appropriations for said biennium were insufficient." Referred to the Committee on Appropriations.

House Bill No. 321, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of insurance premiums to the State Insurance Fund for state property insured under the State Insurance Fund Act." Referred to the Committee on Appropriations.

House Bill No. 322, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for certain claims of the Twenty-fourth Legislative Assembly." Referred to the Committee on Appropriations.

House Bill No. 323, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to presidential electors." Referred to the Committee on Appropriations.

House Bill No. 324, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Fred B. Sheriff as compensation for expenses incurred while acting for the State of Montana as State Commissioner of Aeronautics." Referred to the Committee on Appropriations.

House Bill No. 325, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the purpose of completing the main entrance to the State Capitol Building." Referred to the Committee on Appropriations.

House Bill No. 326, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 6453, Revised Codes of



Montana, 1935, providing for the incorporation of churches, charities, fraternal societies, and benevolent associations and repealing all other Acts and parts of Acts in conflict herewith." Referred to the Committee on Corporations other than Municipal.

House Bill No. 327, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act making an appropriation for the payment of inheritance taxes illegally imposed and collected by the State of Montana." Referred to the Committee on Appropriations.

House Bill No. 328, introduced by Chatham: A Bill for an Act entitled: "An Act to provide for the creation of the Montana State Board of Forestry, and to define its powers and duties; providing for the conservation and protection of all forest lands and resources of the State of Montana; providing that legal owners of forest lands shall provide protection therefor or pay the actual cost of such protection provided by said board; providing procedure for the assessment and collection of the cost of forest protection; providing for the abatement of public nuisances existing on forest lands; providing police and safety measures for the prevention of and protection against fire on forest lands; providing for cooperation with federal public and private agencies in forest conservation and protection; and providing for the repeal of Sections 1830.9, 1830.10, 1833, 1834, 1838, 1839, 1841, 1842, 2763, 2764, 2766, 2767, 2768, 2770, 2775, 2776, 2777, 2778, 2778.1, 2778.2, 2778.3, 2778.4, 2778.5, 6000 and 6601 of the Revised Codes of Montana of 1935, and all Acts and Parts of Acts in conflict with this Act." Referred to the Committee on Conservation of Resources.

House Bill No. 329, introduced by Committee on Petroleum, Oil and Gas: A Bill for an Act entitled: "An Act to amend Sections 3554.14 and 3554.15 of the Revised Codes of Montana of 1935, to reduce the privilege and license tax levied and assessed on crude petroleum produced, save, and marketed or stored within the State of Montana, and to fix the dates for statements of all crude petroleum produced in Montana to be rendered, and to require the payment with such statements of the tax shown thereby to be due the State of Montana." Referred to the Committee on Revenue and Taxation.

House Bill No. 330, introduced by Chatham: A Bill for an Act entitled: "An Act authorizing the State Board of Land Commissioners to acquire or lease property for development as State Forests and State Parks and providing for the disposition of income from such lands." Referred to the Committee on Conservation of Resources.

House Bill No. 331, introduced by Committee on Labor: A Bill for an Act entitled: "An Act prohibiting the sale of commodities in retail stores and wholesale warehouses on Sunday and Holidays and between the hours of 6 o'clock P. M. and 8 o'clock A. M., on week days in cities and towns in this state containing more than twenty-five hundred inhabitants; defining terms used therein; stating exemptions from the provisions of the Act, and providing penalties for violations thereof." Referred to the Committee on Labor.

House Bill No. 332, introduced by Schneider: A Bill for an Act entitled: "An Act to equalize taxation and to replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a tax on gross receipts of goods purchased for direct consumption through retail sales as defined herein; to provide for the collection of such tax, the distribution and use of the revenue derived therefrom, and the administration of said law; to provide for certain deductions and exemptions; to make an appropriation for the administration of this Act;

to fix fines and penalties for the violation of the provisions of this Act; to repeal all Acts and parts of Acts in conflict herewith." Referred to the Committee on Appropriations.

House Bill No. 333, introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Sections 5097, 5098, 5099 and 5100 of the Revised Codes of Montana, 1935, to provide for and require a police commission in cities of the first and second class; providing for appointment of the members of such police commission; providing the term of office and powers of the members of such police commission; providing the compensation to be paid to members of such commission; providing for the establishment of a police commission in cities and towns other than first and second class, providing for the appointment and qualification of members of the police force in cities of the first and second class and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Affairs of Cities.

House Bill No. 334, introduced by Shanley: A Bill for an Act entitled: "An Act to regulate the practices of professional engineering and land surveying: Creating a state board of registration for professional engineers and land surveyors: Defining its powers and duties; also imposing certain duties upon the state and political subdivisions thereof in connection with public work; and providing penalties." Referred to the Committee on State Boards and Offices.

House Bill No. 335, introduced by Nelson and others: A Bill for an Act entitled: "An Act to amend Section 2429.10 of the Revised Codes of Montana of 1935, relating to amount of huckster's license." Referred to the Committee on Judiciary.

House Bill No. 336, introduced by Parker and Schneider: A Bill for an Act entitled: "An Act to amend Section 1119 of the Revised Codes of Montana 1935, relating to the powers and duties of the Public School Teachers' Retirement Salary Fund Board." Referred to the Committee on Education.

House Bill No. 337, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes, as designated herein, for all State Departments, Boards, Bureaus and Commissions for the period beginning July 1, 1937, and ending June 30, 1939." Referred to the Committee on Appropriations.

House Bill No. 338, introduced by Metcalf, Stortz, Masterson, Lambert, Hess and DeDobbeleer: A Bill for an Act entitled: "An Act establishing certain standards of education and designating the powers and duties of the State Board of Education in relation thereto." Referred to the Committee on Education.

House Bill No. 339, introduced by Elliott, by request: A Bill for an Act entitled: "An Act to amend Section 1015, Subdivision 8, Revised Codes of the State of Montana, 1935, defining the duties and powers of trustees, to be amended to give Boards of Trustees in school districts of the first and second class greater powers." Referred to the Committee on Education.

House Bill No. 340, introduced by Shanley: A Bill for an Act entitled: "An Act amending Sections 2815.14 and 2815.52 of the Revised Codes of Montana, 1935, relating to the Montana Beer Act; and providing when the possession, manufacture or disposal of beer is unlawful, and prohibiting

the Board of Liquor Control from selling certain beer." Referred to the Committee on Public Morals, Charities and Reforms.

House Bill No. 341, introduced by Stromnes: A Bill for an Act entitled: "An Act providing the method for computing certain deductions allowable on mine taxes in the production of petroleum and natural gas in Montana." Referred to the Committee on Petroleum, Oil and Gas.

House Bill No. 342, introduced by O'Connor: A Bill for an Act entitled: "An Act providing for an open season for the hunting or killing of deer in Carbon County and amending Section 3697 which relates to the open season for the hunting or killing of deer in the State of Montana." Referred to the Committee on Fish and Game.

House Bill No. 343, introduced by Committee on Labor: A Bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act." Referred to the Committee on Labor.

House Bill No. 344, introduced by Holecek and Elliott: A Bill for an Act entitled: "An Act providing for unemployment compensation; creating a State Unemployment Compensation Commission; establishing an Unemployment Compensation Fund and providing for the administration, distribution and investment thereof; providing for the assessment and collection of contributions upon payrolls of employers; creating a State Employment Service and providing an appropriation therefor; providing penalties for violations." Referred to the Committee on Social Security.

House Bill No. 345, introduced by Conner: A Bill for an Act entitled: "An Act providing for an open season for the hunting or killing of deer in Teton County and amending Section 3697 which relates to the open season for the hunting or killing of deer in the State of Montana." Referred to the Committee on Fish and Game.

House Bill No. 346, introduced by Bjorneby: A Bill for an Act entitled: "An Act requiring that in certain cases a person holding an elective county office or an elective state office shall file his resignation from the office which he holds with the proper officer before filing his petition as a candidate for another county office or for another state office at a primary nominating election." Referred to the Committee on Judiciary.

House Joint Memorial No. 8, introduced by Lasby: Memorializing the Honorable Franklin D. Roosevelt, President of the United States, the Honorable Burton K. Wheeler, the Honorable James E. Murray, Senators from the State of Montana, the Honorable Roy E. Ayers, Governor of the State of Montana, the Honorable Jerry J. O'Connell and the Honorable J. F. O'Connor, members of Congress from the State of Montana, to the Honorable the Administrators of Public Works Administration of the United States, and to the Honorable the Members of the Water Conservation Board of the State of Montana. Referred to the Committee on Water Conservation and Flood Control.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 297 was passed by the following vote:



Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Conner, Crouse, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Lehrkind, Longenecker, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 71.

Noes: Alvord, Cohen, Freshman, Goodwin, Haight, Hamilton, Leeson, Lippard, Mungas, Toomey, Cruickshank. Total 11.

Absent and not voting: Brayman, Chatham, Cusick, Heavlin, Holecek, Kelson, Kruse, Levisse, Lemmer, Love, Lovell, Manning, Masterson, Metlen, Miller (Big Horn), Padbury, Smith, Stimatz, Stortz, Stromnes. Total 20.

Senate Bill No. 44 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Longenecker, McClain, McKenna, McLeod, Mackie, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 74.

Noes: Goodwin, Levisse, Metcalf, Mr. Speaker. Total 4.

Absent and not voting: Anderson (Lincoln), Brayman, Chatham, Conner, Cusick, Dougherty, Heavlin, Holecek, Kelson, Leeson, Lemmer, Lippard, Love, Lovell, Manning, Masterson, Measure, Metlen, Padbury, Smith, Sorte, Stimatz, Stortz, Stromnes. Total 24.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend: (All amendments refer to printed bill)

That Senate Bill No. 56 be concurred in.

That Senate Bill No. 41 be concurred in.

That Senate Joint Memorial No. 4 be concurred in.

That House Bill No. 179 do pass.

That House Bill No. 180 do pass.

That House Bill No. 203 do pass.

That House Bill No. 221 be amended as follows: Amend Section 2 by striking out in line 7 the word "three" and inserting in lieu thereof the word "five"; and by adding the following after word "divorce" in line 8—"In granting a divorce upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct upon the nearest blood relative and guardian of and such insane person, and the superintendent of the institution in which he or she is confined. Such



relative or guardian and superintendent of the institution and such insane person shall be entitled to appear and be heard upon any and all issues. The status of the parties as to the support and maintenance of such insane person shall not be altered in any way by the granting of the divorce." And as amended do pass.

HAIGHT, Chairman.

Report adopted.

The Speaker announced the following committee to act with the Senate Committee on Senate Joint Resolution No. 7: Whaley, Bjorneby and Trandum.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Friday morning, February 12, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

#### FORTIETH DAY

House of Representatives,  
Helena, Montana,  
February 12th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Brayman, Cusick, Kelson, Lovell, Stimatz, and Trandum.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Thirty-ninth Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 149 respectfully report as follows: That House Bill No. 149 do not pass, but that Substitute House Bill No. 149, entitled:

A Bill for an Act entitled: "An Act to amend Sections 3696, 3697, 3701, 3703, 3704, 3729.2 and 3729.3 of the Revised Codes of Montana of 1935 relating respectively to open and closed seasons for elk, deer, antelope, game birds, migratory birds and fur-bearing animals and relating to fish in Lake and Flathead Counties and giving the Fish and Game Commission power to fix dates for the opening and closing of certain seasons and to regulate the taking of such animals, birds and fish and providing penalties for violations of the Act and to repeal Sections 3696.1, 3696.2, 3696.3, 3696.4, 3696.5, 3696.6, 3697.1, 3697.2, 3729.1 and 3729.6 of the Revised Codes of Montana of 1935," do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 285 respectfully report as follows: That House Bill No. 285 do pass.

HAIGHT, Chairman.

Report adopted.

The Committee on Printing reported House Bills Nos. 104 and 271 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration House Bill No. 273 respectfully report as follows: That House Bill No. 273 do not pass.

IJAMS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration House Bill No. 213 respectfully report as follows: That House Bill No. 213 be amended as follows:

In line 10 of the title change the word "may" to "shall", and in line 12 of the title, change the word "cure" to "remedy". In section 1, page 2 of the typed bill, line 8, insert after the word "authorities" the words "and health officer", and in line 14, page 2, change the word "cure" to the word "remedy", and after the word "defects" in line 14, page 2, insert the following words: "which the physician considers to be interfering with the child's progress in school." and as amended do pass.

IJAMS, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day on roll call, adopted the report of the Joint Conference Committee, appointed for the consideration of House amendments to Senate Bill No. 36.

House Bill No. 18 was this day recommended for non-concurrence in the Senate, and bill is herewith returned to the House.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 65 and 85.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees: (All appropriation measures having been read at length):

Senate Bill No. 65, introduced by Stevens and Waite: A Bill for an Act entitled: "An Act to amend Sections 555, 557, 561 and 570 of Chapter 61, Revised Codes of Montana of 1935, relating to who may register, Notaries and Justices of the Peace as deputy registrars, procedure upon change of residence to another county and cancellation of registry cards, and providing for the cancellation of registration and for registration and re-registration of all electors of the State of Montana, and providing penalties for the violation of this Act, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Privileges and Elections.

Senate Bill No. 85, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 6375, 6376, 6379, 6380, 6381, 6382, 6387, 6389, and 6391 of the Revised Codes of the State of Montana of 1935 and to add Section 6378.1; All relating to cooperative

Associations and validating issuance of shares of different par values of any cooperative Association heretofore issued." Referred to Committee on Judiciary.

House Bill No. 347, introduced by Sorte and Minette: A Bill for an Act entitled: "An Act relating to the absence from State Employment of members of the National Guard while attending the annual encampment of the Regiment." Referred to Committee on Military Affairs.

House Bill No. 348, introduced by D'Ewart: A Bill for an Act entitled: "An Act to amend Section 681 of the Revised Codes of Montana 1935, relating to the form, color and size of ballot and providing that all candidates shall be listed under appropriate office headings with party designation appearing after candidates names." Referred to Committees on Privileges and Elections.

House Bill No. 349, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 2863 of the Revised Codes of Montana, 1935, relating to the definition of the terms "employee" and "Workman", by including in such definition inmates of Montana State Prison engaged in hazardous occupations, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Labor.

House Bill No. 350, introduced by Manning: A Bill for an Act entitled: "An Act to amend Section 464 of the Revised Codes of Montana of 1935, relating to bonds of State Officers and increasing the amount of bonds of Deputy State Treasurer and his Chief Clerk and providing the amounts of bonds of his assistant Clerk and Bond Clerk." Referred to Committee on State Boards and Offices.

House Bill No. 351, introduced by Freshman: A Bill for an Act entitled: "An Act relating to the sale of oleomargarine; defining same; providing for license and stamp tax; prescribing penalties for the violation thereof; and repealing Section 2620.45 of the Revised Codes of Montana, 1935, and all other Acts and parts of Acts in conflict herewith." Referred to Committee on Dairying.

House Bill No. 352, introduced by Committee on Ways and Means: A Bill for an Act entitled: "An Act to provide for the support of the Government of Montana for the years 1937 and 1938." Referred to Committee on Ways and Means.

House Bill No. 353, introduced by O'Connor, by request: A Bill for an Act entitled: "An Act to amend Section 3228.29 Subdivision B, Chapter 276, of the Revised Codes of Montana 1935, relating to license fees on Barbers and Barber apprentices." Referred to Committee on Public Health and Sanitary Affairs.

House Bill No. 354, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 3073.1 of the Revised Codes of Montana, 1935, relating to hours of labor in retail stores—application of provisions and Section 3073.2 of the Revised Codes of Montana, 1935, relating to penalties for violation." Referred to Committee on Labor.

House Bill No. 355, introduced by Cusick: A Bill for an Act entitled: "An Act appropriating money out of the Highway fund for the purpose of construction work on Highway No. 2 and directing the Highway Commission of the State of Montana to do and perform said work." Referred to Committee on Highways and Highway Transportation.

House Bill No. 356, introduced by Lasby: A Bill for an Act entitled: "An Act creating the office of Director General of the State of Montana; providing the appointment, term of office and salary; providing for an Assistant Director General, term of office and salary; prescribing certain duties of the State Board of Examiners in connection with the provisions of this Act; relating to the filing of bonds; transferring the duties performed by the State Accountant and the duties of the Budget Office to the Office of the Director General; repealing Sections 305, 306, 307, 308 and 309 of the Revised Codes of Montana, 1935, together with all Acts and parts of Acts in conflict herewith." Referred to Committee on State Boards and Offices.

House Joint Memorial No. 9, introduced by the Committee on Education: A Memorial to the Congress of the United States requesting enactment of the Harrison-Black-Fletcher Bill to provide for Federal support for public education. Referred to Committee on Education.

Without objection, House Bill No. 304 was referred to the Committee on Public Health and Sanitary Affairs.

### MOTIONS AND RESOLUTIONS

It was moved by Mungas, duly seconded, and carried, that House Bill No. 275 be taken from the Committee on Public Health and Sanitary Affairs and referred to the Committee on Revenue and Taxation.

It was moved by Burns, duly seconded, that all employees of the House who were on the pay-roll on the 38th Legislative Day be retained in service until the end of the Session. A roll call, to be entered on the Journal, was demanded by the required number and the motion was carried by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bloom, Bower, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, Finnegan, Hamilton, Hardcastle, Haugan, Hess, Ijams, Jackson, Joffray, Johnson, Leeson, Lemmer, Levisse, Love, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Waldrop, Wenger, Wood, Freshman. Total 59.

Noes: Brennan, Crouse, D'Ewart, Dougherty, Elliott, Green, Haight, Hedden, Hoiness, Holecek, Kruse, Lambert, Lasby, Lehrkind, Lippard, Longenecker, Manning, Metcalf, Miller (Big Horn), Minette, Monahan, Mungas, O'Connor, Smith, Toomey, Vanek, Mr. Speaker. Total 27.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brayman, Cusick, Eggenberger, Goodwin, Heavlin, Kelson, Lovell, Metlen, Mitchell, Stimatz, Stromnes, Trandum, Whaley. Total 15.

Passed their vote: Anderson of Phillips. Total 1.

It was moved by Spiegel, duly seconded and carried, that the House give Mr. Phil Goodwin of Silver Bow County, a rising vote of thanks for the presentation of small American Flags to the members commemorating Lincoln's Birthday, which courtesy he had extended during the past seven Sessions.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 38 be made a Special Order of Business at 8 P. M.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:



Senate Bill No. 41 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Mungas, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Smith, Mr. Speaker. Total 80.

Noes: Lambert, Metcalf. Total 2.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brayman, Cusick, Goodwin, Heavlin, Hedden, Kelson, Levissee, Lovell, Measure, Metlen, Miller (Big Horn), Mitchell, Nelson, Stimatz, Stromnes, Toomey, Trandum, Whaley. Total 20.

Senate Bill No. 56 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Bloom, Bower, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Haight, Hardcastle, Haugan, Hedden, Hess, Ijams, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Manning, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 68.

Noes: Hoiness, Jackson, Lambert, Lasby, Mackie, Metcalf, O'Shea, Smith. Total 8.

Absent and not voting: Alvord, Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Brayman, Brennan, Chatham, Cusick, Finnegan, Green, Hamilton, Heavlin, Holecek, Joffray, Kelson, Levissee, Lovell, Measure, Metlen, Mitchell, O'Connor, Stimatz, Stromnes, Toomey, Trandum, Whaley. Total 26.

Senate Joint Memorial No. 4 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Freshman, Green, Hardcastle, Haugan, Hess, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Stortz, Tyler, Wenger, Wood, Mr. Speaker. Total 58.

Noes: D'Ewart, Haight, Hedden, Jackson, Kruse, Love, Metcalf, Mungas, O'Connor, Padbury, Shanley, Smith, Toomey, Vanek, Waldrop. Total 15.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brayman, Chatham, Cusick, Daly, Elliott, Goodwin, Hamilton, Heavlin, Hoiness, Holecek, Joffray, Kelson, Levissee, Lippard, Longenecker, Lovell, Manning, Metlen, Miller (Big Horn), Minette, Mitchell, Scofield, Stimatz, Stromnes, Trandum, Whaley. Total 28.

Passed their vote: Spiegel. Total 1.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Lasby in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders recommend: (all amendments referring to printed bills).

That House Bill No. 207 do pass.

That House Bill No. 141 be passed temporarily.

That House Bill No. 204 do pass.

That House Bill No. 140 do pass.

That consideration of House Bill No. 165 be passed for the day.

That House Bill No. 126 do pass.

That House Bill No. 137 be amended as follows: Amend title in line 13 by adding after the word "utility" the words "and a common carrier"; amend Section 1, in line 9 by adding after the word "utility" the words "and a common carrier"; and as amended do pass.

LASBY, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

It was moved by Spiegel, duly seconded and carried, that the House proceed out of order to conduct Lincoln Birthday Services, in an informal joint Session with the Senate.

House resumed. Mr. Speaker in the Chair.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 111 respectfully report as follows: That House Bill No. 111 be amended as follows:

Strike out all of Section Seven (7) and in lieu thereof insert the following:

At every general election, at which any candidate for County Superintendent of Schools or State Superintendent of Public Instruction is to be voted upon, the elector shall be provided with a separate official ballot, having the same identification upon the stub thereof as the regular ballot, plainly marked "Non-partisan Ballot" and the count and canvass of such votes shall be separate from the regular ballots of political parties. For the guidance of voters the ballot shall make suitable designation of the number of persons the elector may vote for, and each particular office to be filled at such election. In the general election every elector shall be entitled to vote without regard to politics for the candidates listed in the "Non-partisan Ballot". Names of candidates shall be rotated on the ballot in the manner provided for in Section 651 Revised Codes of Montana, 1935. This shall be applicable to both primary and general election ballots, and as amended do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Joint Memorial No. 9, respectfully report as follows: That House Joint Memorial No. 9 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 19 respectfully report as follows: That Senate Bill No. 19 be amended as follows:

By striking out the entire Section 5.1 in the original bill, and as amended be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 283 respectfully report as follows: That House Bill No. 283 be re-referred to Committee on Constitutional Amendments.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration, House Bill No. 243, respectfully report as follows: That House Bill No. 243 do pass.

HEAVLIN, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 64 respectfully report as follows: That Senate Bill No. 64 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Insurance, having had under consideration House Bill No. 314 respectfully report as follows: That House Bill No. 314 do pass.

JOHNSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 229 respectfully report as follows: That House Bill No. 229 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 182 respectfully report as follows: That House Bill No. 182 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 305 respectfully report as follows: That House Bill No. 305 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Lands, having had under consideration Senate Bill No. 57 respectfully report as follows: That Senate Bill No. 57 be concurred in.

MILLER of Big Horn, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 211 respectfully

report as follows: That House Bill No. 211 do not pass, but that substitute House Bill No. 211 do pass.

HEAVLIN, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 268 respectfully report as follows: That House Bill No. 268 do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 299 respectfully report as follows: That House Bill No. 299 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, a Minority of your Committee on Judiciary, having had under consideration House Bill No. 58, respectfully report as follows: That House Bill No. 58 do pass.

METCALF,  
BJORNEBY,  
ALVORD,  
HAIGHT,  
STORTZ,  
LASBY.

Mr. Speaker: We, the Majority of your Committee on Judiciary, having had under consideration House Bill No. 58, respectfully report as follows: That House Bill No. 58 do not pass.

O'CONNOR,  
MEASURE,  
SMITH,  
TOOMEY,  
HOINESS,  
STROMNES,  
RUFFCORN.

It was moved by Alvord, duly seconded that the report of the Minority be adopted. On substitute motion, it was moved by Stromnes, duly seconded and carried, that the report of the Majority be adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 331, respectfully report as follows: That House Bill No. 331 be amended as follows:

By adding after the word "therein" in Line Twenty-two (22) of Section five (5), the following: "and exempting stores operated exclusively by an owner."

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 354, respectfully report as follows: That House Bill No. 354 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 343, respectfully report as follows: That House Bill No. 343 be amended as follows:

In Section 1, line sixteen (16) change the word "busses" to the word "trucks" and in Section 2, line twenty-seven (27) change the word "bus" to "truck".

MULHOLLAND, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 349, respectfully report as follows: That House Bill No. 349 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 135, respectfully report as follows: That House Bill No. 135 do not pass.

HEDDEN, Vice Chairman.

It was moved by Hedden, duly seconded, that the report be adopted. On substitute motion, it was moved by McLeod, duly seconded and carried, that House Bill No. 135 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 263, respectfully report as follows: That House Bill No. 263 do pass.

HEDDEN, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 219, respectfully report as follows: That House Bill No. 219 be amended as follows:

By striking out all of Section four (4) and inserting in lieu thereof the following section, also to be known as Section four (4).

Section 4. No parcel of land which, at the time such petition for such proposed annexation is presented to such council or Legislative body, is used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or any purpose incidental thereto, shall be annexed under the provisions of this Act; and as amended do pass.

HEDDEN, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 254 respectfully report as follows: That House Bill No. 254 do pass.

STROMNES, Chairman.

Report adopted.

Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 134, 166, 180, 216, 183, 179, 203, 113 and 132.

PETERSON of Pondera, Chairman.

Report adopted.

Committee on Enrolling, reported the following bills correctly enrolled: House Bills Nos. 115, 116, 93 and 32.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 32, introduced by me and find the same to be correct.

FINNEGAN.

I have examined enrolled House Bill No. 93, introduced by me and find the same to be correct.

HOINESS.

I have examined enrolled House Bill No. 115, introduced by me and find the same to be correct.

HEDDEN.

I have examined enrolled House Bill No. 116, introduced by me and find the same to be correct.

SORTE.

Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 222, 157, 221, 207 and 150.

PETERSON of Pondera, Chairman.

Report adopted.

The Speaker signed the following in Open Session: House Bills Nos. 115, 116, 93 and 32.

House Resolution No. 9, introduced by Goodwin:

A Resolution requesting that the picture of the Twenty-fourth Legislative Assembly be made a permanent fixture of the Chambers of the House of Representatives.

WHEREAS, the picture of the Twenty-fourth Legislative Assembly, which has been framed and hangs in the rear of the House Chamber, should be made a permanent fixture of this Chamber,

THEREFORE, BE IT RESOLVED by the members of the House of Representatives in a body assembled that the aforementioned picture be made a permanent fixture, and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives be requested to inform the Custodian of the State Capitol Building of this, our resolution.

On motion of Spiegel, the above resolution was adopted.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to Committees: (all appropriation measures having been read at length).

House Joint Memorial No. 10, introduced by Padbury and D'Ewart: A Memorial for surveys of the proposed Yellowstone-Missouri diversion project to determine the best use of the waters of the Yellowstone River and to stabilize the irrigated lands in the Yellowstone and Missouri River Basins and further to assist in the control of floods along the Yellowstone River, and to provide additional water for navigation in the Missouri River." Referred to Committee on Conservation and Flood Control.

House Memorial No. 4, introduced by Metcalf and Stortz: A Memorial memorializing the President of the United States, the Congress of the United States, the Senators and Representatives of the State of Montana in the Congress of the United States, and the rural electrification Administration requesting them to extend the period for repayment of rural electrification loans. Referred to Committee on Federal Relations.

House Joint Resolution No. 5, introduced by Lemmer: A Resolution entitled: A Joint Resolution to provide for the appointment of a House Committee to conduct an investigation into the administration, methods and practices of the State Fish and Game Commission and into the handling of the various Fish and Game regulatory measures, and funds supervised by said Commission, and into the construction of building by said Commission, and all its affairs generally, and authorizing said Committee to hold hearings, subpoena witnesses, take testimony and report its findings to the House. Referred to Committee on Fish and Game.

House Bill No. 357, introduced by Committee on Labor, by request: A bill for an Act entitled: "An Act relating to hours of work of members of paid fire departments of Cities of the Second class, providing a minimum compensation for members of paid fire Departments of Cities of the Second Class, providing penalties for a violation thereof, and repealing all Acts or parts of Acts in conflict therewith." Referred to Committee on Affairs of Cities.

House Bill No. 358, introduced by Committee on Workmen's Compensation, by request: A Bill for an Act entitled: "An Act to amend Section 2835 of the Revised Codes of Montana of 1935; relating to investigations of cases under plan three of the Workmen's Compensation Act; to amend Section 2907 of the Revised Codes of Montana of 1935; relating to adequate hospital facilities for injured workmen and the cost thereof; and relating to deductions from wages of employees for the payment of medical and hospital services; to amend Section 2917 of the Revised Codes of Montana of 1935; relating to the payment of medical and hospital bills for the care of injured workmen, and the jurisdiction of the Industrial Accident Board in such cases; to amend Section 2945 of the Revised Codes of Montana of 1935; relating to the cost and disbursements in proceedings or hearings under plan three of the Workmen's Compensation Act within and without the State of Montana; to amend Section 2953 of the Revised Codes of Montana of 1935; relating to proceedings and hearings before the Industrial Accident Board and attorney fees chargeable to claimants, and to repeal all Acts and parts of Acts in conflict herewith." Referred to Committee on Workmen's Compensation.

House Bill No. 359, introduced by McClain and Metcalf: A Bill for an Act entitled: "An Act authorizing the State Board of Education to provide retirement pay for the Teachers and other employees of the University of Montana, to deduct from their salaries for the purpose of providing money therefor, and appropriating money for such purpose." Referred to Committee on Education.

House Bill No. 360, introduced by Shanley, by request: A Bill for an Act entitled: "An Act relating to discrimination between citizens in regard to certain services and employment and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Labor.

House Bill No. 361, introduced by Committee on Labor: A Bill for an Act entitled: "An Act to amend Section 3086 of the Revised Codes of Montana, 1935, relating to discharged employee—wages, when payable, and providing for ten new additional Sections to Chapter 264 of the Revised Codes of Montana 1935, to be known as Sections 3086.1, 3086.2, 3086.3, 3086.4, 3086.5, 3086.6, 3086.7, 3086.8, 3086.9 and 3086.10, providing for the time, place and procedure, for payment of wages of employees, when discharged and otherwise; defining terms under this Act; fixing employer's responsibility for contractors pay roll; providing for procedure; authorizing an assignment of wage claims to Commissioner for recovery for civil actions, and enforcement thereof; providing that in civil actions that the Commissioner can bring actions without cost for services or otherwise; defining Commissioner's duties relative to persons; pursuant to law; providing for enforcement of this Act by the Commissioner; requiring employers to keep a true and accurate record of hours worked and wages paid employees; providing for enforcement forfeiture and penalties for violation of this Act and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Labor.

House Bill No. 362, introduced by Committee on Labor: A Bill for an Act entitled: "An Act regulating and fixing the hours of labor in the following mentioned industries, occupations, undertakings and employments, underground quartz mining; strip mining; placer mining; regularly

organized fire Departments; retail stores, including drug, confectionery and cigar stores; meat markets; wholesale warehouses; bakeries; public garages; automobile service stations; chauffeuring and taxi-cab driving and operating for hire; passenger and freight elevator operating; laundries; all forms of manufacturing and repairing; abattoirs; canning and packing fruits, vegetables and meat, and all other products for human or animal consumption; carpentry; plumbing; masonry; brick laying, and all other building trades occupations and employments; cement work of all kinds; electrical work of all kinds and character; creameries; cheese factories; cereal, flour and grain milling; printing and bookbinding; oil, gas and petroleum industries; theatre employments and occupations of every description; lumber mills and lumbering; all occupations and employments in and about telephone, telegraph and radio stations and plants; railroad coal docks, and cinder pits; bartending; janitor service in and about private buildings, offices and plants; nursing in and about private institutions for the insane; providing for an exception in cases of emergency where life and property are in imminent danger; excepting the owner of the business from the provisions hereof; defining the term 'Day'; providing for a penalty for the violation of this Act; and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Labor.

House Bill No. 363, introduced by Committee on Labor: A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in banks, providing the minimum wages for persons employed in banks, and providing penalties for the violation thereof." Referred to Committee on Labor.

House Bill No. 364, introduced by Toomey: A Bill for an Act entitled: "An Act to provide for the recording of subordination agreements or waivers in favor of subsequent purchasers, encumbrancers or mortgagees in case of real estate mortgages, and for the filing thereof in the case of chattel mortgages, and that such record or such filing, as the case may be, shall operate as due and legal notice to the mortgagor and the mortgagee and to all other interested persons, and to provide that any such subordination agreement or waiver shall be valid and binding when executed by the record holder of the mortgage involved." Referred to Committee on Judiciary.

House Bill No. 365, introduced by Sorte, Kruse, Minette and Toomey: A Bill for an Act entitled: "An Act to amend Section 4536 of the Revised Codes of Montana 1935, relating to burial of deceased soldiers, sailors, marines, and army nurses, and providing when and in what cases the provisions thereof may be effective." Referred to Committee on Military Affairs.

House Bill No. 366, introduced by Masterson and Love: A Bill for an Act entitled: "An Act to amend Section 5729 and 5730 of the Revised Codes of Montana of 1935, relating to causes for annulling a marriage, actions therefor, and when and by whom commenced." Referred to Committee on Judiciary.

House Bill No. 367, introduced by Peterson of Sheridan: A Bill for an Act entitled: "An Act amending Section 10307 of the Revised Codes of Montana of 1935, relating to the order of payment of debts of the estate of deceased persons." Referred to Committee on Judiciary.

House Bill No. 368, introduced by Mackie and Smith: A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Article V of the Constitution of the State of Montana, by adding thereto a Section to be known as



Section 46, providing for a State Budget and the manner in which appropriations shall be made by the Legislative Assembly." Referred to Committee on Constitutional Amendments.

House Bill No. 369, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act relating to bridges within any city or town upon a highway crossing a natural stream separating one part from another part of any county in which such city or town is situated and providing for the construction and maintenance of such bridges and their approaches." Referred to Committee on Affairs of Cities.

House Bill No. 370, introduced by Ruffcorn: A Bill for an Act entitled: "An Act to amend Section 3913.2 of the Revised Codes of Montana, 1935, relating to the regulation of Dealers in petroleum products and providing license fees; and providing that Dealers, refiners and applicants agree to become public utilities as a condition precedent to being licensed." Referred to Committee on Petroleum, Oil and Gas.

House Bill No. 371, introduced by Committee on Affairs of Cities: A Bill for an Act entitled: "An Act to amend Chapter one hundred and forty of the Session Laws of the Twenty-fourth Legislative Assembly of the State of Montana, relating to the creation of Public Bodies Corporate and Politic known as Housing Authorities to engage in slum clearance or projects to provide dwelling accommodations for persons of low income, by repealing Section Twenty-five thereof providing that bonds of Housing Authorities are legal investments; by amending Sections Fourteen and Fifteen thereof providing for the type, form and sale of bonds of Housing Authorities; and by adding new Sections to be known as Sections Twenty-five, Thirty and Thirty-one limiting the renting of dwelling accommodations to persons of low income, and providing for certain powers and duties of Housing Authorities; and to declare an emergency." Referred to Committee on Affairs of Cities.

House Bill No. 372, introduced by Masterson: A Bill for an Act entitled: "An Act to appropriate money for the operation, maintenance and other purposes as designated herein, for the State Library Extension Commission for the period beginning July 1, 1937 and ending June 30, 1939." Referred to Committee on Appropriations.

House Bill No. 373, introduced by Holecek: A Bill for an Act entitled: "An Act authorizing the Montana Fish and Game Commission to acquire by purchase, gift or appropriation from streams and lakes water rights for the purpose of propagating, conserving and protecting aquatic animal and plant life and game animals and birds, and declaring such purpose to be a beneficial use." Referred to Committee on Fish and Game.

House Bill No. 374, introduced by Committee on Constitutional Amendments: A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 19 of Article VIII of the Constitution of the State of Montana relating to the qualifications and term of office of County Attorney, and to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to the qualifications and terms of office of certain county officers." Referred to Committee on Constitutional Amendments.

House Bill No. 375, introduced by Stromnes: A Bill for an Act entitled: "An Act amending Chapter 59 of the Codes of Civil procedure of the Revised Codes of Montana, 1935, by adding a new Section relating to exemptions of judgment debtors and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Judiciary.

House Bill No. 376, introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Sections 3683 and 3685, and to repeal Sections 3685.1 and 3685.3 of the Revised Codes of Montana of 1935, relating to classes of licenses and to the fees for, and powers under hunting, fishing, trapping and fur Dealers' licenses within the State of Montana." Referred to Committee on Fish and Game.

House Bill No. 377, introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Section 3777 of the Revised Codes of Montana of 1935, relating to license for breeding and propagating game birds, game and fur-bearing animals within the State of Montana." Referred to Committee on Fish and Game.

House Bill No. 378, introduced by Scofield: A Bill for an Act entitled: "An Act to amend Section 3719 of the Revised Codes of Montana of 1935, relating to killing of moose, buffalo, caribou or antelope, and providing for authority of the Fish and Game Commission to open season on antelope, prescribing penalties for a violation thereof, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Fish and Game.

House Bill No. 379, introduced by Committee on Water Conservation and Flood Control: A Bill for an Act entitled: "An Act to appropriate money for the use of the State Water Conservation Board of the State of Montana for the administration fund and the conservation revolving fund of the State Water Conservation Board." Referred to Committee on Water Conservation and Flood Control.

House Bill No. 380, introduced by Measure: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section 1, Article 5 of the Constitution of the State of Montana relating to the Legislative Department and the powers reserved to the people." Referred to Committee on Constitutional Amendments.

House Bill No. 381, introduced by Committee on Revenue and Taxation: A Bill for an Act entitled: "An Act to amend Sections 1999 and 2000, Revised Codes of Montana of 1935, providing for the classification of taxable property in this State for the purpose of taxation; and providing the percentage of the true and full value of each class which shall be taken and used as the basis for the imposition of the tax thereon; and to repeal Sections 2000.6 and 2000.7, Revised Codes of Montana of 1935, relating thereto." Referred to Committee on Revenue and Taxation.

House Bill No. 382, introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 5766 of the Revised Codes of Montana of 1935, relating to the period of residence required to entitle plaintiff to divorce." Referred to Committee on Judiciary.

House Bill No. 383, introduced by Holecsek and Vanek: A Bill for an Act entitled: "An Act to provide for the installation of fish screening devices in artificial water courses for the protection of game fish; and vesting certain powers with the State Fish and Game Commission pertaining thereto." Referred to Fish and Game Committee.

House Bill No. 384, introduced by Levissee: A Bill for an Act entitled: "An Act authorizing the State Fish and Game Commission to enter into an agreement with the proper authorities of any or all Indian Reservations within the State of Montana relative to exchange of fishing and hunting privileges, making a violation of this Act a misdemeanor and providing a penalty for such violation." Referred to Committee on Fish and Game.

House Bill No. 385, introduced by Masterson: A Bill for an Act entitled: "An Act amending Section 3913.2 of the Revised Codes of Montana, 1935, relating to license fees paid by Dealers in petroleum products and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Petroleum, Oil and Gas.

House Bill No. 386, introduced by Freshman, by request: A Bill for an Act entitled: "An Act providing the manner for sale of cold storage, preserved or protected eggs." Referred to Committee on Dairying.

House Bill No. 387, introduced by Chamberlain, Monahan, Peterson of Sheridan, Metcalf, Spiegel, Stortz, Mulholland, Scott, Schneider, Burns, DeDobbeleer, Ruffcorn, Tyler, Miller of Roosevelt, Sorte, McKenna, McClain, Finnegan and Masterson: A Bill for an Act entitled: "An Act declaring a public economic crisis to exist; providing under the police power of the State for a moratorium on all mortgages, liens, contracts for deed, or sales contracts, on debts and mortgages affecting the ownership and possession of certain described property, prohibiting any foreclosure thereon; any tax, mortgagee's, sheriff's or judicial sale thereof; or repossession thereof or eviction therefrom; and suspending and continuing any period of redemption affecting such property for the duration of the moratorium; providing for a jury trial to determine cases coming within this Act; and other provisions." Referred to Judiciary Committee.

House Bill No. 388, introduced by Goodwin: A Bill for an Act entitled: "An Act to amend Section 715 of the Revised Codes of Montana, 1935, relating to voting by elector when absent from place of residence." Referred to Committee on Privileges and Elections.

House Bill No. 389, introduced by Lippard, by request: A Bill for an Act entitled: "An Act creating a limited retail beer license; prescribing the qualifications, providing penalties for violations; amending Section 2815.44 of the Revised Codes of Montana, 1935, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Revenue and Taxation.

House Bill No. 390, introduced by Metlen: A Bill for an Act entitled: "An Act authorizing and directing the State Board of Examiners of the State of Montana to purchase additional lands for campus purposes at the Normal College at Dillon, Montana and appropriating money for the payment of the price of said land." Referred to Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 391, introduced by O'Connor: A Bill for an Act entitled: "An Act to clarify existing laws and declare the policy of the State respecting the eligibility for appointment of members of the Legislative Assembly to State Offices or as employees of the State during the term for which they shall have been elected and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Judiciary.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows: (All appropriation measures having been read at length.)

A Call of the House was demanded by the required number. On motion of Spiegel, duly seconded and carried, further Call of the House was dispensed with.



House Bill No. 113 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Conner, Crouse, Cruickshank, Daly, D'Ewart, Eggenberger, Elliott, Freshman, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McLeod, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, O'Connor, Phelan, Reed, Ruffcorn, Scofield, Shanley, Smith, Sorte, Stortz, Stromnes, Toomey, Wenger, Whaley. Total 59.

Noes: Chatham, Cohen, DeDobbeleer, Dougherty, Finnegan, Goodwin, Haight, Hess, Holecck, Kruse, Lasby, McKenna, Masterson, Metcalf, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Scott, Sherman, Tyler, Vanek, Waldrop, Mr. Speaker. Total 27.

Absent and not voting: Acher, Anderson (Lincoln), Brayman, Cusick, Kelson, Lovell, Manning, Metlen, Minette, Schneider, Stimatz, Wood. Total 12.

Passed their vote: Longenecker, Spiegel. Total 2.

Paired their vote: Lambert-Trandum. Total 2.

House Bill No. 132 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Brennan, Chamberlain, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Haight, Hamilton, Hardcastle, Hess, Hoiness, Holecck, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lippard, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 63.

Noes: Campbell, Chatham, Crouse, Cruickshank, D'Ewart, Eggenberger, Freshman, Goodwin, Green, Haugan, Heavlin, Hedden, Ijams, Lehrkind, Lemmer, Levissee, Longenecker, Love, Manning, Padbury, Shanley, Smith, Stromnes, Toomey. Total 24.

Absent and not voting: Acher, Anderson (Lincoln), Bower, Brayman, Burns, Cusick, Joffray, Kelson, Lovell, Metlen, Minette, Schneider, Stimatz, Trandum, Wood. Total 15.

House Bill No. 166 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood. Total 87.

Noes: Miles, O'Connor, Schneider, Mr. Speaker. Total 4.

Absent and not voting: Anderson (Lincoln), Brayman, Cusick, Holecck, Ijams, Kelson, Lovell, Stimatz, Stortz, Trandum, Whaley. Total 11.



House Bill No. 180 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, McClain, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 82.

Noes: Lambert. Total 1.

Absent and not voting: Anderson (Lincoln), Brayman, Brennan, Cusick, Hoiness, Ijams, Kelson, Lovell, McKenna, Metlen, Miller (Roosevelt), Minette, Sorte, Stimatz, Stortz, Trandum, Whaley. Total 17.

Passed their vote: McLeod, Spiegel. Total 2.

House Bill No. 216 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 84.

Noes: Lambert, Mitchell, Vanek. Total 3.

Absent and not voting: Anderson (Lincoln), Brayman, Cusick, Heavlin, Holecek, Kelson, Kruse, Lovell, McKenna, Manning, Measure, Miller (Roosevelt), Stimatz, Toomey, Trandum. Total 15.

House Bill No. 183 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Longenecker, Love, McClain, McLeod, Mackie, Masterson, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 84.

Noes: None. Total none.

Absent and not voting: Anderson (Lincoln), Brayman, Chamberlain, Chatham, Cusick, Goodwin, Johnson, Kelson, Lambert, Lovell, McKenna, Manning, Measure, Metcalf, Miller (Big Horn), Smith, Stimatz. Total 17.

Passed their vote: Lippard. Total 1.

House Bill No. 179 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 86.

Noes: Lambert. Total 1.

Absent and not voting: Anderson (Lincoln), Brayman, Cohen, Cusick, Holecek, Joffray, Kelson, Longenecker, Lovell, Measure, O'Connor, Sherman, Stimatz, Toomey, Trandum. Total 15.

It was moved by Spiegel, duly seconded and carried, that the House recess until 7:30 o'clock P. M.

### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times and referred to Committees: (All appropriation measures having been read at length.)

House Bill No. 392, introduced by Burns and Measure, by request: A Bill for an Act entitled: "An Act to amend Section 640 of the Revised Codes of Montana, 1935, relating to petition for nomination to be filed; and adding to Chapter 65 of the Revised Codes of Montana, 1935, two additional new Sections to be known and designated as Sections 642 and 643; providing for percentage of electors required on nominating petitions; and providing for qualification of petitioners signing petition for nomination." Referred to Committee on Privileges and Elections.

House Bill No. 393, introduced by Ijams, by request: A Bill for an Act entitled: "An Act to amend Section 3659, of the Revised Codes of Montana, 1935, relating to Deputy State Fish and Game Wardens, their qualifications and duties and providing for the search without warrant, upon reasonable and probable cause of persons or property where reasonable and probable cause exists, for the belief that the State Game Laws have been violated, and providing for the search with search warrant of vehicles, dwelling houses or other buildings and for the seizure of fish and game possessed, in violation of the law and the confiscation thereof, providing for the arrest of persons accused of violating the law and providing for the reporting of the activities of State Fish and Game Wardens, with their recommendations." Referred to Committee on Fish and Game.

House Bill No. 394, introduced by Judiciary Committee, by request: A Bill for an Act entitled: "An Act relating to the levy of attachment and prescribing an additional method of attaching stocks or shares of any corporation or company when its officers or agents do not live or can not be found in Montana." Referred to Judiciary Committee.

House Bill No. 395, introduced by Love: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana,

relating to revenue and taxation, by adding thereto a new Section to be known as Section 1 (b), providing for the levy and collection and distribution of a license tax on motor vehicles in lieu of all property taxes." Referred to Committee on Constitutional Amendments.

House Bill No. 396, introduced by Brennan: A Bill for an Act entitled: "An Act in aid of the Federal Copyright Laws, to assist in effectuating their true intent and their enforcement in the State of Montana by removing and declaring illegal certain monopolistic abuses and activities wrongfully practiced under the guise of copyrights within the State by price fixing combinations, monopolies and pools; to enforce the Montana Constitutional provisions prohibiting price fixing monopolies, and combinations in restraint of commerce and trade providing penalties for combining rights granted by the copyright laws where the effect of such combination results in the use of copyright privileges as instrumentalities of oppression and extortion within the State in violation of Constitutional provisions; and encouraging the rendition, creation and production of copyrighted works among the school children and citizens of the State of Montana; encouraging the marketing and acceptance of copyrighted works, created by the citizens of this State; repealing certain acts; creating a State Anti-Monopoly Board for a particular function to be exercised only in the event of abuses and violations hereof; defining its duties, and the jurisdiction and duties of courts of record; the duties of the prosecuting attorneys, county auditors, the State Treasurer and the Secretary of State; and providing for the appointment of a receiver in certain instances; defining certain terms; providing for service of process on non-residents; prohibiting certain acts; and providing penalties for violation hereof." Referred to Committee on Judiciary.

House Bill No. 397, introduced by McLeod, by request: A Bill for an Act entitled: "An Act to amend Section 1010 of the Revised Codes of Montana 1935, relating to the transportation of pupils from one school district to another providing for the manner of letting contracts for such transportation, prescribing the notice to be given for calling of bids for such transportation; providing when school districts shall pay transportation, board, rent, or tuition of pupils attending school in another district and prescribing the amount to be charged therefore, and providing for the distribution of expenses to be paid by a school district sending pupils to another district and fixing the penalty for any district whose trustees fail to comply with the provisions of this Act." Referred to Committee on Education.

House Bill No. 398, introduced by Stimatz: A Bill for an Act entitled: "An Act granting the State Board of Equalization authority to issue licenses for dance halls; providing for the regulation of dance halls; defining what shall constitute a dance hall, specifying regulations governing the structure thereof and where the same may be located and how conducted; providing that violation of this Act shall be a felony and fixing the penalty therefor." Referred to Committee on Public Morals, Charities and Reforms.

House Bill No. 399, introduced by Tyler, Peterson of Sheridan, DeDobbeleer and Ruffcorn: A Bill for an Act entitled: "An Act to amend Section 7726 of the Revised Codes of Montana, 1935, relative to the maximum rate of interest." Referred to Committee on Banks and Banking.

House Bill No. 400, introduced by Elliott and McClain, by request: A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Justin D. Lovely as compensation for loss of time and suffering as the result of tuberculosis contracted by him in the service of the State of Montana at the State Sanitarium at Galen, Mon-



tana and providing for the method of paying the same." Referred to Committee on Appropriations.

House Bill No. 401, introduced by Measure: A Bill for an Act entitled: "An Act to amend Section 5769 of the Revised Codes of Montana, 1935, relating to the expenses of divorce actions and alimony and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Judiciary.

House Bill No. 402, introduced by Sorte and Minette: A Bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, trust syndicate and corporation engaging in or carrying on the business of refining or processing crude petroleum within the State of Montana to pay to the State of Montana for engaging in or carrying on such business certain license fees for the exclusive use and benefit of the State of Montana: fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this Act." Referred to Committee on Petroleum, Oil and Gas.

House Bill No. 403, introduced by Goodwin: A Bill for an Act entitled: "An Act providing the manner for placing the list of candidates for State Senate and House of Representatives on any primary or general election ballot." Referred to Committee on Privileges and Elections.

House Bill No. 404, introduced by Nelson and Metcalf: A Bill for an Act entitled: "An Act to provide for the inspection and analysis of commercial feeding stuffs and by whom and to regulate the sale thereof in the State of Montana; to define the term "Commercial Feeding Stuffs"; to provide for guarantees of the ingredients of commercial feeding stuffs and affixing labels to the packages thereof; to prohibit the sale of fraudulent or adulterated commercial feeding stuffs; to regulate and license the sale of commercial feeding stuffs; to fix the penalties for the violation of the provisions of this Act." Referred to Committee on Agriculture.

House Bill No. 405, introduced by Monahan: A Bill for an Act entitled: "An Act to amend Chapter one hundred and eighty-four (184) of the Revised Codes of Montana, 1935, by adding a new Section to be known as Section 1999.1, providing for the classification and basis upon which taxes shall be imposed upon all land, town and city lots, with improvements, to the value of twenty-five hundred dollars when used for homestead purposes." Referred to Committee on Revenue and Taxation.

House Bill No. 406, introduced by Stimatz: A Bill for an Act entitled: "An Act repealing Sections 2816 to 3033 inclusive of the Revised Codes of Montana, of 1935; providing for board; fixing compensation for said Board; providing for secretary of said Board and requiring records to be kept by said secretary which shall be open to inspection by the public by any and all time and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on State Boards and Offices.

House Bill No. 407, introduced by Committee on Economy: A Bill for an Act entitled: "An Act to provide that the State of Montana produce commodities for use; creating production for use districts to own by condemnation, gift or purchase, lands of all kinds, water power, gas and oil fields, forests, and all other kinds of natural resources, and creating production for use districts to manufacture, generate, conduct, buy, grow, and otherwise acquire electric energy, natural gas, petroleum and all of its by-products, timber, wares, commodities, chemicals and products; to furnish services of every nature and establishing a State production



for use Commission to purchase or otherwise acquire all products and services; authorizing a tax levy, exercising eminent domain, issuance of certificates of exchange, general obligation and revenue bonds; creating a revolving fund and appropriating seven million dollars therefor; and repealing all Acts or parts of Acts inconsistent therewith." Referred to Committee on Economy.

House Joint Resolution No. 6, introduced by Stortz, Toomey, Spiegel, Chamberlain, Peterson (Sheridan), Peterson (Pondera), Metcalf, Lambert, Hess: A Joint Resolution commending the able work of J. G. Bruce, Traffic Expert of the Montana Railroad Commission, and approving his actions in his untiring efforts to secure freight reductions which are of direct benefit to the citizens of Montana. Referred to Committee on Agriculture.

House Joint Memorial No. 11, introduced by Committee on Agriculture: A Resolution memorializing the Interstate Commerce Commission of the United States and the Honorable Members of the Senate of the United States from Montana, Burton K. Wheeler and James Murray, and the Honorable Members of Congress from Montana, Jerry O'Connell and James O'Connor; protesting the granting of reduced freight rates on grain originating in Canada and destined to points in Montana and particularly opposing the continuation of such reductions. Referred to Committee on Agriculture.

House Joint Memorial No. 12, introduced by Judiciary Committee: A Memorial petitioning the Congress of the United States for the passage of legislation designed to expedite the work of the United States Supreme Court and to further the interests of progressive, remedial legislation. Referred to Committee on Judiciary.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows: (All appropriation measures having been read at length).

House Bill No. 203 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Daly, Dougherty, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 72.

Noes: Lambert. Total 1.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Brayman, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Eggenberger, Freshman, Haugan, Hoiness, Holecek, Joffray, Kelson, Leeson, Lovell, Mackie, Metlen, Minette, O'Connor, Parker, Peterson (Sheridan), Ruffcorn, Smith, Sorte, Stortz, Toomey, Whaley. Total 29.

House Bill No. 134 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Ijams, Jackson, Joffray, Johnson, Kruse, Lehrkind, Lemmer, Levissee, Lippard, Longenecker,

Love, McClain, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Stortz, Toomey, Trandum, Tyler, Vanek, Wenger, Wood. Total 67.

Noes: Hedden, Hoiness, Lasby, Lambert, McKenna, O'Shea, Peterson (Pondera), Scott, Spiegel, Stromnes, Mr. Speaker. Total 11.

Absent and not voting: Acher, Anderson (Chouteau), Anderson (Lincoln), Bjerneby, Brayman, Burns, Cusick, DeDobbeleer, D'Ewart, Eggenberger, Haugan, Hess, Holecek, Kelson, Leeson, Lovell, Mackie, Metlen, Minette, Parker, Peterson (Sheridan), Stimatz, Waldrop, Whaley. Total 24.

House Bill No. 222 was passed by the following vote:

Ayes: Acher, Anderson (Phillips), Bloom, Brennan, Chamberlain, Conner, Crouse, Daly, Elliott, Green, Haight, Hamilton, Heavlin, Hedden, Hoiness, Jackson, Joffray, Johnson, Kruse, Lasby, Lemmer, Lippard, Love, McClain, McKenna, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Scofield, Scott, Sherman, Sorte, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 54.

Noes: Alvord, Anderson (Silver Bow), Bower, Campbell, Cohen, Cruickshank, Dougherty, Finnegan, Freshman, Goodwin, Hardcastle, Lambert, Lehrkind, Levisse, McLeod, Mackie, Measure, Mitchell, Mulholland, O'Shea, Ruffcorn, Shanley, Smith, Spiegel, Stimatz, Toomey. Total 26.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Bjerneby, Brayman, Burns, Chatham, Cusick, DeDobbeleer, D'Ewart, Eggenberger, Haugan, Hess, Holecek, Ijams, Kelson, Leeson, Longenecker, Lovell, Metlen, Peterson (Sheridan), Schneider, Whaley. Total 22.

### SPECIAL ORDER OF BUSINESS

The time having arrived to consider Special Order of Business, it was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Conner in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 38 be amended as follows:

Amend the enacting clause by striking out the word "people" and inserting in lieu thereof the words "legislative assembly"; amend Section 1 by striking out in line 1 the words "first day of January, 1937" and inserting in lieu thereof the words "passage and approval of this Act"; amend Section 5, by striking the words beginning with the words "and those businesses" on line 21, to and including the words "gross business" on line 22, and by striking out the semi-colon after the word "exclusively" line 21 and inserting in lieu thereof a period; amend Section 5 in line 33 as follows: After the word "store" insert "and in each store in excess of five stores"; strike all of subsection 6; amend Section 11 in line 5 by inserting after the word "and" and before the word "shall" the words and figures "fifty percentum (50%) thereof" and after the figures "1935" in line 6 change the period to a comma and add "and the remaining fifty percentum (50%) thereof shall be paid into the State Public School General Fund"; amend Section 6 by renaming subsection 7 "6-A"; amend Section 12 by striking out the words "sovereign people" and inserting in lieu thereof the words "Legislative Assembly"; amend Section 14 by striking out after the word "after" the words "the

1st day of January, 1937." and inserting in lieu thereof the words "its passage and approval"; and as amended do pass.

CONNER, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M. Saturday morning, February 13th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

#### FORTY-FIRST DAY

House of Representatives,  
Helena, Montana,  
February 13, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present, except the following: Absent: Bjorneby, Brayman, Heavlin. Excused: Lovell.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fortieth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 166, 180, 216, 183, 179 and 203.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 198, 248, 250, 267, 133, 245, 167, 265, 255, 264, 292, 232, 192, 194 and 282. House Joint Memorials Nos. 5 and 6.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Water Conservation, having had under consideration House Joint Memorial No. 7, respectfully report as follows: That House Joint Memorial No. 7 do pass.

CROUSE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Water Conservation, having had under consideration House Bill No. 251, respectfully report as follows: That House Bill No. 251 do pass.

CROUSE, Chairman.

Report adopted.

Mr. Speaker, We, your Committee on Water Conservation, having had under consideration House Bill No. 379, respectfully report as follows: That House Bill No. 379 be referred to the Committee on Appropriations.

CROUSE, Chairman.

Report adopted.

Mr. Speaker, We, your Committee on Water Conservation, having had under consideration House Joint Memorial No. 10, respectfully report as follows: That House Joint Memorial No. 10 do pass.

CROUSE, Chairman.

Report adopted.

Mr. Speaker, We, your Committee on Water Conservation, having had under consideration House Joint Memorial No. 8, respectfully report as follows: That House Joint Memorial No. 8 do pass.

CROUSE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 39, respectfully report as follows: That Senate Bill No. 39 be not concurred in.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 185, respectfully report as follows: That House Bill No. 185 be amended as follows:

In Line 3 after the word "district" add the words "held or to be held by the Reconstruction Finance Corporation or similar government fiscal agency." And as amended do pass.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 306, respectfully report as follows: That House Bill No. 306 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 172, respectfully report as follows: That House Bill No. 172 do not pass but that Substitute House Bill be recommended for passage.

Substitute House Bill No. 172 is entitled: A Bill for an Act entitled: "An Act relating to the floating indebtedness of counties outstanding at the close of the fiscal year ending June 30, 1937, and providing for the issuance of bonds to fund indebtedness of the levying of special taxes to pay such floating indebtedness."

ANDERSON (Chouteau), Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Substitute Senate Bill No. 55, Senate Bills Nos. 82, 83, 86, 87, 93, 98, 99, 71 and Senate Joint Memorial No. 5.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate Amendments: House Bills Nos. 63 and 127.

The President of the Senate this day, under authority of Senate Joint Resolution No. 7, appointed the following Senators to act as such special investigating committee: Garrison, Chapman and Ecton.



The following House Bill this day failed of concurrence in the Senate, and bill is herewith returned to the House: House Bill No. 67.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded, that House Bill No. 59 be taken from the Committee on Judiciary and placed on General Orders. A roll call, to be entered in the Journal, was demanded by the required number. A Call of the House was demanded by the required number. On motion, further Call of the House was dispensed with. Whereupon motion by Spiegel carried by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Haight, Hamilton, Hess, Holecek, Joffray, Johnson, Lambert, Lasby, Leeson, Lippard, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Sherman, Spiegel, Stimatz, Stortz, Tyler, Vanek, Wood. Total 51.

Noes: Acher, Anderson (Phillips), Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Kruse, Lehrkind, Lemmer, Levissee, Longenecker, Love, Metlen, Miller (Big Horn), Minette, Munga, O'Connor, O'Shea, Padbury, Reed, Scofield, Shanley, Smith, Sorte, Stromnes, Toomey, Waldrop, Wenger. Total 41.

Absent and not voting: Bjorneby, Brayman, Heavlin, Kelson, Lovell, Miles, Mitchell, Trandum, Whaley. Total 9.

Passed their vote: Mr. Speaker. Total 1.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 59 be placed at the head of the list on General Orders.

It was moved by Metlen, duly seconded, that the House reconsider its action on House Bill No. 58. On substitute motion, it was moved by O'Connor, duly seconded, that House Bill No. 58 be laid on the table. Motion was lost. Whereupon motion by Metlen, carried.

It was moved by Longenecker, duly seconded, that the House request that the Senate return House Bill No. 203. Motion was lost.

It was moved by Mackie, duly seconded and carried, that consideration of House Bill No. 248 be passed for the day.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 397, respectfully report as follows: That House Bill No. 397 be printed and placed on General Orders.

It was moved by Kruse, duly seconded, that the report be adopted. On Substitute motion, it was moved by Haight, duly seconded, that further consideration of House Bill No. 397 be indefinitely postponed. A roll

call to be entered in the Journal, was demanded by the required number, and the motion carried by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Elliott, Green, Haight, Haugan, Hedden, Hess, Hoiness, Holecek, Jackson, Johnson, Kelson, Kruse, Lambert, Leeson, Lippard, Longenecker, Love, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, O'Connor, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Sherman, Smith, Sorte, Stortz, Toomey, Tyler, Waldrop, Wood. Total 50.

Noes: Alvord, Anderson (Silver Bow), Bloom, Bower, Brennan, Burns, Campbell, Chatham, Cohen, Cusick, Dougherty, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Ijams, Joffray, Lasby, Lemmer, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Phelan, Scott, Shanley, Spiegel, Stimatz, Stromnes, Vanek, Wenger, Mr. Speaker. Total 43.

Absent and not voting: Bjorneby, Brayman, Eggenberger, Heavlin, Lehrkind, Levissee, Lovell, Trandum, Whaley. Total 9.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 181 and 274.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 359, respectfully report as follows: That House Bill No. 359 do not pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 360, respectfully report as follows: That House Bill No. 360 do not pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 362, respectfully report as follows: That the word "abattoirs" appearing in Line 13 of the Title, be spelled correctly, i.e., "Abattoirs", as well as in line 11 of Section 1. And as amended, do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 363, respectfully report as follows: That House Bill No. 363 be amended as follows:

That the words "AND CAPITAL" appearing in the title of House bill No. 363 be stricken. By amending the Title in Line 2 by inserting after the word "BANKS", the following: "AND EXCEPTING CITIES AND TOWNS HAVING A POPULATION OF TWENTY-FIVE HUNDRED (2500) OR UNDER;" and by amending Section 1, in line eight (8) thereof, by inserting after the word "Montana" the following: "except in cities and towns having a population of twenty-five hundred (2500) or under." And as amended do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 361, respectfully report as follows: That House Bill No. 361 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 275, respectfully report as follows: That House Bill No. 275 do not pass.

METLEN, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 204, 176, 126 and 140.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 155, respectfully report as follows: That House Bill No. 155 do not pass but that Substitute House Bill No. 155 do pass.

Substitute House Bill No. 155: A Bill for an Act entitled: "An Act to amend Chapter 141 of the Session Laws of the Twenty-fourth Legislative Assembly of the State of Montana of 1935 entitled: 'An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue-producing undertakings by any city and town, however organized; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof,' by removing the time limit within which municipalities may borrow money or deliver bonds, pursuant to said Act."

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 337, respectfully report as follows: That House Bill No. 337 be amended as follows:

To strike out lines 28 and 29 on Page 13, beginning with the word "for" and ending with the word "Montana", and insert the following in line 21 of Page 14: "For Printing and publishing advertising matter dealing with tourist advantages of the State of Montana, Five Thousand Dollars .....\$5,000.00"

Also to strike out lines 6 and 7 on Page 28, beginning with the word "For" and ending with the word "Montana", and insert the following on line 31 of Page 28: "For printing and publishing advertising matter dealing with tourist advantages of the State of Montana, Five Thousand Dollars .....\$5,000.00"

And as amended do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 312, respectfully report as follows: That House Bill No. 312 be recommended for passage.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 324, respectfully report as follows: That House Bill No. 324 be recommended for passage.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 317, respectfully report as follows: That House Bill No. 317 be recommended for passage.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 386, respectfully report as follows: That House Bill No. 386 do not pass.

O'SHEA, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 351, respectfully report as follows: That House Bill No. 351 do not pass.

O'SHEA, Chairman.

Report adopted.

Mr. Speaker requested the Speaker Pro Tem, Monahan, to take the Chair.

Monahan in the Chair.

Mr. Speaker: We, the Majority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 159, respectfully report as follows: That House Bill No. 159 be amended as follows:

1. By striking out in line 22, Section 1, page 1, the figures "two per cent (2%)" and inserting in lieu thereof the words and figures "one per cent (1%)". And as amended, do pass.

PADBURY,  
HOLECEK,  
CAMPBELL,  
JOFFRAY,  
PETERSON (Pondera),  
METLEN.

Mr. Speaker: We, the Minority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 159, respectfully report as follows: That House Bill No. 159 do pass.

CUSICK,  
LASBY,  
CHAMBERLAIN,  
PETERSON (Sheridan).

It was moved by Padbury, duly seconded, that the Majority report be adopted. On substitute motion, it was moved by Cusick, duly seconded, that the Minority report be adopted. A roll call was demanded, to be entered in the Journal, by the required number, and the motion to adopt the Minority report was carried by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Chamberlain, Conner, Cusick, Daly, DeDobbeleer, Dougherty, Finnegan, Green, Hedden, Hess, Johnson, Kruse, Lambert, Lasby, Leeson, Lippard, Love, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 57.

Noes: Acher, Campbell, Chatham, Cohen, Cruickshank, D'Ewart, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hoiness, Holecek, Ijams, Jackson, Joffray, Kelson, Lemmer, Levisee, Longenecker, Metlen, Minette, Mitchell, O'Connor, Padbury, Peterson (Pondera), Scofield, Shanley, Smith, Stromnes, Toomey. Total 33.

Absent and not voting: Bjorneby, Brayman, Crouse, Haight, Heavlin, Lehrkind, Lovell, Mackie, Miller (Big Horn), Trandum, Whaley, Mr. Speaker. Total 12.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 238, respectfully report as follows: That House Bill No. 238 be amended as follows: By striking



out in Section 1, in line 31, after the words "10 years", these words: "And to run" and by striking out all of lines 32 to 44 inclusive. And as amended do pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 329, respectfully report as follows: That House Bill No. 329 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 279, respectfully report as follows: That House Bill No. 279 be referred to the Committee on State Boards and Offices.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Bill No. 308, respectfully report as follows: That House Bill No. 308 do not pass.

MILLER (Roosevelt), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 388, respectfully report as follows: That House Bill No. 388 do not pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 6, respectfully report as follows: That Senate Bill No. 6 be amended as follows:

Amend Senate Bill No. 6 by adding a new Section to be known as Section 3 to read as follows:

Section 3. That Chapter 287 of the Political Code of the Revised Codes of Montana, 1935, be, and the same is hereby amended by adding a new Section to be known as Section 3322.1 to read as follows:

"Section 3322.1. Fees for Inspection. For the service of inspection herein provided for, the officer making such inspections, herein provided for, the officer making such inspections shall receive twenty-five cents per head for the inspection of twelve head or less, or three dollars per day for the inspection of more than twelve head, and shall receive in addition thereto his necessary actual expenses, to be paid by the person for whom the inspection is made."

Amend Senate Bill No. 6 by striking all of Section 3 of the printed bill. Amend the said bill further by adding a new Section to be known as Section 4 to read as follows:

Section 4. That Section 3323 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3323. Penalty for violation of Act. Any person removing or attempting to remove any livestock of the kind named in Section 3321 of this code, without first having received the certificate of inspection and removal herein provided for, and any railroad, other carrier or person accepting for shipment any such livestock, without compelling the shipper to first give satisfactory evidence of his having received an inspection and removal certificate as herein provided, and any person refusing to exhibit such certificate upon proper demand, and any person who shall load any of such stock for shipping and consign same to any

point where the Livestock Commission maintains a stock inspector, and who shall then reconsign them enroute to any other points, so as to avoid inspection at point of shipment, and also the official inspection at the cities heretofore mentioned where such inspection is maintained, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or shall be punished by both such fine and imprisonment. All fines assessed and collected under the provisions of this Act, fifty (50%) per cent thereof shall be turned into the State Treasury, and placed to the credit of the Livestock Commission Fund and fifty (50%) per cent to the credit of the County in which the livestock shipment originated or from which the livestock were taken, except that all fines collected where arrest is made by highway patrolmen, or upon information furnished by highway patrolmen, in which event, fifty (50%) per cent of such fines be deposited to the credit of the General Fund of the County from which the livestock shipment originated or from which the livestock were taken, and the other fifty (50%) per cent be paid into the State Treasury to be placed to the credit of the Highway Patrol Revolving Fund."

Amend said bill by renumbering the following Sections consecutively and as so amended recommend that Senate Bill No. 6 be concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 302 respectfully report as follows: That House Bill No. 302 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 270, respectfully report as follows: That House Bill No. 270 do pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 201, respectfully report as follows: That House Bill No. 201 be amended as follows:

To strike out lines 12, 13, 14 and 15 of Page 1 beginning with the word "for" and ending with the figures \$2,500.00; and to insert the following therein:

"For expenses of moving equipment from Boulder to Great Falls and installing the same; and for the building of a Field House at Great Falls .....\$3,500.00."

And as amended, do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Fish and Game, having had under consideration House Joint Resolution No. 5, respectfully report as follows: That House Joint Resolution No. 5 do not pass.

LEVISEE,  
SCOFIELD,  
D'EWART,  
JOHNSON,  
BLOOM,  
MILLER (Big Horn),  
CROUSE.

Mr. Speaker: We, a Minority of your Committee on Fish and Game, having had under consideration House Joint Resolution No. 5, respectfully report as follows: That House Joint Resolution No. 5 do pass.

LEMMER,  
MILES,  
IJAMS,  
WENGER.

It was moved by Levissee, duly seconded, that the Majority report be adopted. On substitute motion, it was moved by Spiegel, duly seconded and carried, that the Minority report be adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 187, respectfully report as follows: That House Bill No. 187 do not pass.

METLEN, Chairman.

Report adopted.

On motion to reconsider, the following reports were again read:

Mr. Speaker: We, a Minority of your Committee on Judiciary, having had under consideration House Bill No. 58, respectfully report as follows: That House Bill No. 58 do pass.

METCALF,  
BJORNEBY,  
ALVORD,  
HAIGHT,  
STORTZ,  
LASBY.

Mr. Speaker: We, a Majority of your Committee on Judiciary, having had under consideration House Bill No. 58, respectfully report as follows: That House Bill No. 58, do not pass.

O'CONNOR,  
MEASURE,  
SMITH,  
TOOMEY,  
HOINESS,  
STROMNES,  
RUFFCORN.

It was moved by O'Connor, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Alvord, duly seconded, that the report of the Minority be adopted. The previous question was moved by Minette, and carried. A roll call was demanded by the required number and the substitute motion lost by the following vote: Ayes: 28, Noes: 59, Absent and not voting: 14, Passed their vote: 1. Whereupon, motion to adopt Majority report carried.

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee on Senate Amendments to House Bill No. 64, respectfully report as follows: That House Bill No. 64 be amended as follows:

Section 1, in line 1, after the word and figure "Section 1" by inserting the following words and figures: "That Section 4506 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: 'Section 4506'".

Section 2, in line 2, by inserting the words: "Residing in, or owning land within organized irrigation district" after the word "person".

And as amended do pass.

For the Senate,  
LARSON,  
BAKER (Lincoln),  
METZGER.

For the House,  
CONNER,  
LONGENECKER,  
LEVISEE.

### STATEMENT

House acceded to Amendments of the Senate.

CONNER (Chairman), House  
LARSON (Chairman), Senate

On motion of Conner, duly seconded, report of Conference Committee on Senate Amendments to House Bill No. 64 was adopted by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Masterson, Metcalf, Miller (Roosevelt), Mitchell, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Stortz, Toomey, Tyler, Wenger, Wood. Total 66.

Noes: Anderson (Chouteau), Burns, Kelson, Measure, Miles, O'Connor, Stimatz, Vanek. Total 8.

Absent and not voting: Acher, Bjerneby, Brayman, Chamberlain, Dougherty, Haight, Heavlin, Holecek, Kruse, Lambert, Lehrkind, Lovell, Mackie, Manning, Metlen, Miller (Big Horn), Minette, Peterson (Pondera), Trandum, Waldrop, Whaley, Mr. Speaker. Total 22.

Passed their vote: Haugan, Monahan, Mulholland, Scofield, Spiegel, Stromnes. Total 6.

### MOTIONS AND RESOLUTIONS

It was moved by McClain, duly seconded, that the House reconsider its action on House Bill No. 359.

On substitute motion, it was moved by Minette, duly seconded, that House Bill No. 359 be indefinitely postponed. After considerable debate Anderson (Phillips) moved the previous question. Whereupon the substitute motion by Minette carried.

It was moved by Finnegan, duly seconded and carried, that Senate Bill No. 70 be placed on General Orders.

It was moved by McLeod, duly seconded and carried, that Senate Bill No. 70 be placed at the head of the list on General Orders.

It was moved by Manning, duly seconded and carried, that House Bill No. 332 be taken from the Committee on Appropriations and referred to the Committee on Revenue and Taxation.



## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Joint Memorial No. 5, introduced by Robson: A Joint Memorial to the Congress of the United States requesting the enactment of appropriate legislation for the creation of the Fort Peck Power Authority. Referred to the Committee on Federal Relations.

Senate Bill No. 71, introduced by Benjamin and Campbell: A Bill for an Act entitled: "An Act to amend Sections 2815.63, 2815.65, 2815.66, 2815.69, 2815.75 and 2815.11 of the Revised Codes of Montana of 1935, relating to the sale, control and regulation of alcoholic liquor and beer in the State of Montana and the administration of the Montana Beer Act and the State Liquor Control Act of Montana and the membership of the Montana Liquor Control Board and transferring the administration of the Montana Beer Act from the State Board of Equalization to the Montana Liquor Control Board; creating the office of State Liquor Administrator and Assistant State Liquor Administrator and prescribing the powers and duties of such officers; defining 'nuisance', and providing for the abatement of same, and repealing Section 2815.52 of the Revised Codes of Montana of 1935". Referred to the Committee on Revenue and Taxation.

Substitute Senate Bill No. 55, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to exempt from taxation lands owned by the State Water Conservation Board or the State of Montana for use in Water Conservation Projects and to provide for the cancellation of taxes remaining unpaid against said lands when same are acquired by the State Water Conservation Board or the State of Montana for such purposes." Referred to the Committee on Water Conservation and Flood Control.

Senate Bill No. 82, introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to provide for the payment of bounty on coyotes, bobcats, lynx, and mountain lions, and amending Section 3417.1, 3417.2, 3417.4, 3417.5, 3417.6, 3417.13, and 3417.14 and repealing Section 3414 of Chapter 298 of the Revised Codes of Montana, 1935". Referred to the Committee on Livestock and Public Ranges.

Senate Bill No. 87, introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to amend Section 3277 of the Revised Codes of Montana, 1935, relating to the sale of and payment for carcasses of animals destroyed, and to authorize the Livestock Sanitary Board to cooperate with the United States Bureau of Animal Industry or other federal agency in eradicating or controlling contagious, communicable or dangerous diseases of livestock by adopting rules and regulations." Referred to the Committee on Livestock and Public Ranges.

Senate Bill No. 86, introduced by Anderson, Garrison, Pauline, Robson and Campbell: A Bill for an Act entitled: "An Act to amend Section 1999 of the Revised Codes of the State of Montana, 1935, relating to the classification of property for taxation." Referred to the Committee on Revenue and Taxation.

Senate Bill No. 83, introduced by Committee on Federal Relations: A Bill for an Act entitled: "An Act providing for regulation of the preparation, possession and sale of narcotics in the State of Montana; defining certain words and phrases in connection therewith; providing for the issuance of licenses and qualifications therefor; defining the lawful possession thereof; exempting certain preparations in which narcotics

may be used; providing for certain records to be kept; providing for the manner of keeping, form and preservation of such records; providing for the use of labels on narcotic drugs; defining the unlawful possession of narcotic drugs; providing for the issuance and execution of warrants, and for the seizure of narcotic drugs; providing for the disposition of such narcotic drugs, implements, furniture, fixtures, vehicles, and other articles so seized; defining the duties of peace officers to arrest offenders and to seize narcotic drugs; forbidding the replevin of narcotic drugs and other property; defining nuisances in connection therewith; defining certain powers and duties of the Secretary of the State Board of Health in connection with the provisions of this Act; relating to obtaining of narcotics by fraud and deceit; providing for enforcement and cooperation for and in accordance with the provisions of this Act; defining the effect of acquittal and conviction under the Federal Narcotics Laws; relating to the constitutionality of this Act; relating to the interpretation of this Act; repealing Sections 3189, 3190, 3191, 3192, 3193, 3199, 3200, 3201, 3202, 3202.3, 3202.4, 3202.5, 3202.6, of the Revised Codes of Montana, 1935, and all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

Mr. Speaker in the Chair.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

Substitute Senate Bill No. 3 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Ijams, Joffray, Lemmer, Levissee, Lippard, Love, McClain, McLeod, Masterson, Measure, Metcalf, Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Reed, Ruffcorn, Shanley, Sherman, Smith, Stromnes, Toomey, Whaley, Wood. Total 53.

Noes: Alvord, Anderson (Lincoln), Chamberlain, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Green, Haight, Hedden, Hess, Hoiness, Jackson, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Longenecker, McKenna, Manning, Miles, Miller (Roosevelt), Miller (Big Horn), Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Scott, Sorte, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 40.

Absent and not voting: Brayman, Heavlin, Holecek, Lehrkind, Lovell, Mackie, Metlen, Trandum. Total 8.

Passed their vote: Spiegel. Total 1.

House Bill No. 157 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Toomey, Wenger, Whaley, Wood, Stortz, Mr. Speaker. Total 73.

Noes: Anderson (Lincoln), D'Ewart, Holecek, Kelson, Lambert, Lippard, O'Shea, Stimatz, Vanek, Waldrop. Total 10.

Absent and not voting: Brayman, Campbell, Chamberlain, Chatham, Elliott, Goodwin, Heavlin, Hoiness, Lehrkind, Lovell, McLeod, Mackie, Manning, Metlen, Miles, Shanley, Stromnes, Trandum, Tyler. Total 19.

House Bill No. 221 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood. Total 72.

Noes: Chatham, Daly, Goodwin, Hedden, Hoiness, Kelson, Lasby, Longenecker, Padbury, Parker, Phelan, Scott, Toomey, Whaley, Mr. Speaker. Total 15.

Absent and not voting: Brayman, Chamberlain, Heavlin, Holecek, Lehrkind, Lovell, Mackie, Manning, Masterson, Measure, Metlen, Minette, Stimatz, Trandum. Total 14.

Passed their vote: Schneider. Total 1.

House Bill No. 207 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lemmer, Levissee, Longenecker, Love, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Jackson, Lambert, Lippard, McClain, McKenna, Miller (Big Horn), O'Shea. Total 7.

Absent and not voting: Brayman, Campbell, Chamberlain, Chatham, Heavlin, Holecek, Lehrkind, Lovell, Mackie, Metlen, O'Connor, Smith, Trandum. Total 13.

House Bill No. 150 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Haugan, Hedden, Hoiness, Holecek, Ijams, Joffray, Johnson, Kelson, Kruse, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Wenger, Whaley, Wood, O'Shea, Mr. Speaker. Total 82.

Noes: Anderson (Lincoln), Brennan, Burns, Hess, Jackson, Lambert, Lasby. Total 7.



Absent and not voting: Brayman, Cusick, Hardcastle, Heavlin, Lehrkind, Lovell, Mackie, Metcalf, Metlen, Mungas, Schneider, Trandum, Waldrop. Total 13.

House Bill No. 204 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brennan, Burns, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Haight, Hamilton, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Anderson (Lincoln), Campbell, Cohen, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Lambert, Longenecker, Mungas, Padbury, Smith. Total 15.

Absent and not voting: Bloom, Brayman, Eggenberger, Elliott, Heavlin, Holecek, Lehrkind, Lovell, Mackie, Metlen, Minette, Trandum. Total 12.

House Bill No. 176 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Cusick, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lippard, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Anderson (Chouteau), Chatham, Conner, Cruickshank, D'Ewart, Green, Jackson, Kelson, Longenecker, Love, Padbury, Smith, Toomey. Total 13.

Absent and not voting: Acher, Brayman, Crouse, Daly, Heavlin, Holecek, Lehrkind, Levissee, Lovell, Mackie, Metlen, Trandum. Total 12.

Passed their vote: Joffray, O'Shea. Total 2.

House Bill No. 126 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 87.

Noes: Smith, Whaley. Total 2.

Absent and not voting: Brayman, Brennan, Green, Heavlin, Holecek, Kelson, Lehrkind, Lovell, Mackie, Metlen, Minette, Mungas, Trandum. Total 13.



House Bill No. 140 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Noes: Bjorneby, Burns, Cusick, Lambert, McLeod, Measure, Schneider, Stimatz. Total 8.

Absent and not voting: Brayman, Brennan, Haight, Heavlin, Kelson, Lehrkind, Lovell, Mackie, Minette, Mungas, Padbury, Trandum, Vanek. Total 13.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M., Sunday morning, February 14th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

#### FORTY-SECOND DAY

House of Representatives,  
Helena, Montana,  
February 14, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present, except the following: Excused: D'Ewart, Lovell, Trandum; Absent: Smith, Stromnes.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-first Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Joint Memorial No. 11, respectfully report as follows: That House Joint Memorial No. 11 do pass.

MILLER of Roosevelt, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Bill No. 404 respectfully report as follows: That House Bill No. 404 do pass.

MILLER of Roosevelt, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Joint Resolution No. 5, respectfully report as follows: That House Joint Resolution No. 5 do pass.

MILLER of Roosevelt, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Holecek, duly seconded, that all lobbying or any attempt to influence the action of any member of this House in the House Chambers while same is in session by any person, be strictly prohibited from this date and that the Sergeant-at-Arms be instructed to enforce this action; that during the hours the House shall be in Session all persons save members of the House, duly accredited attaches, duly accredited members of the press and relatives of the members of the House, be excluded from the floor of the House and the space immediately adjacent to the floor of the House.

After considerable debate, Spiegel moved the previous question, duly seconded and carried. Whereupon motion by Holecek carried.

It was moved by Stimatz, duly seconded and carried, that the Press be excluded from the floor of the House during Session and given a place in the gallery.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting, and the additional rule that the proponent of a motion may speak for five minutes and all others three minutes.

Campbell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, bills on General Orders, recommend:

That Senate Bill No. 70 be concurred in.

That House Bill No. 59 be amended as follows: Amend Section 2 by striking out in line 2 the figure "3" and inserting in lieu thereof the figure "4"; amend Section 3 by striking out in line 1 the words "amount of" after the word "The", and inserting in lieu thereof the words "liability of employer for" and strike out the word "will" in the same line and insert in lieu thereof the word "shall"; amend Section 3, subsection (b) by inserting after the letter "(b)" at the beginning of the sentence the words "This classification shall include" and change the capital letter in "All" to small letter; amend Section 5 by striking out in line 3 after the word "be", the words and figures "a charge against the employer not to exceed \$50.00" and inserting in lieu thereof the words "be borne by himself"; amend Section 7 by striking out in lines 5, 6, and 7, "within six months after the occurrence of the accident or discovery of the occupational disease which is claimed to have caused the injury," and inserting in lieu thereof the words "within thirty (30) days after the injury if caused by some fortuitous event and within six (6) months after the discovery of the injury if caused by occupational disease," and as amended to pass.

CAMPBELL, Chairman.

It was moved by Campbell, duly seconded, that the House adopt the report of the Committee of the Whole. A roll call was demanded by the required number and the motion carried by the following vote: Ayes 85, noes: 2, absent and not voting: 13, passed their vote: 2.

It was moved by Mulholland, duly seconded, that the House reconsider its action taken on House Bill No. 59. Motion was lost.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:30 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

It was moved by Alvord, duly seconded and carried, that the House reconsider its action regarding the press and that the Speaker appoint a committee of three to escort them back to their original position. The Speaker appointed Miles, Toomey and Alvord to escort the gentlemen of the press back to the floor of the House. Roll call was demanded by required number and motion carried by the following vote: Ayes: 70, noes: 11, absent and not voting: 13, passed their vote: 8.

It was moved by Toomey, duly seconded, that Rule 53 be amended to read as follows: "Who may be admitted to the floor; Persons of the following classes, and no others shall be admitted to the floor of the House during the sessions thereof, viz., all members of the Legislative Assembly, Members of the State Constitutional Convention of 1889, former members of the Legislative Assembly, contestants for seats in the House."

Motion was referred to Committee on Rules, Joint Rules and Order of Business.

Speaker Pro Tem in the Chair.

## REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bill No. 100.

PETERSON of Pondera, Chairman.

Rport adopted.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length):

House Bill No. 100 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Harcastle, Haugan, Hedden, Hess, Ijams, Jackson, Joffray, Kruse, Lemmer, Levissee, Lippard, McClain, McKenna, Manning, Masterson, Measure, Metlen, Miles, Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Toomey, Wenger, Whaley, Wood. Total 59.

Noes: Bjorneby, Chamberlain, Green, Haight, Hoiness, Holecek, Johnson, Lambert, Lasby, Longenecker, Mackie, Metcalf, Miller (Roosevelt), Parker, Peterson (Pondera), Sorte, Spiegel, Stimatz, Tyler, Vanek. Total 20.

Absent and not voting: Brayman, Chatham, Cusick, Heavlin, Kelson, Leeson, Lehrkind, Love, Lovell, McLeod, Mungas, Reed, Smith, Stortz, Stromes, Trandum, Mr. Speaker. Total 17.

Passed their vote: Anderson (Lincoln), Finnegan, Mitchell, Peterson (Sheridan), Schneider, Waldrop, Total 6.

Senate Bill No. 70 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Harcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lemmer, Levissee, Long-

enecker, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 87.

Noes: Stimatz. Total 1.

Absent and not voting: Heavlin, Kelson, Leeson, Lehrkind, Lippard, Love, Lovell, Mungas, Reed, Smith, Stortz, Stromnes, Trandum, Mr. Speaker. Total 14.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Campbell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, bills on General Orders, recommend: (all amendments referring to printed bills)

That consideration of House Bill No. 141 be passed for the day.

That House Bill No. 271 do pass.

That House Bill No. 104 be amended as follows:

Amend Section 1 by striking out in line 15 the word "before" and inserting in lieu thereof the words "at the office of" and inserting after the word "clerk" the words "or any deputy registrar", and as amended do pass.

That House Bill No. 267 be amended as follows:

Amend Section 2 by striking out in line 2 after the word "misdemeanor" all of the remainder of Section 2, and inserting a period in place of a comma after the word "misdemeanor", and as amended do pass.

That House Bill No. 250 be amended as follows:

Amend Section 1 by striking out in line 7 the word "two" and inserting in lieu thereof the word "three", and as amended do pass.

That House Bill No. 198 do pass.

That House Bill No. 248 be amended as follows:

Amend Section 1 by adding in line 7 after the period a new sentence as follows: "Provided, however, the provisions of this Section shall not apply to small exchanges where the Service does not require more than three (3) operators on duty at any one time," and in line 10 strike out the word and figures "ten (10)" and inserting in lieu thereof the word and figures "twelve (12)", and as amended do pass.

That House Bill No. 40 do pass.

That consideration of House Bill No. 165 be passed for the day.

That Senate Amendments to House Bill No. 127 be concurred in.

That Senate Amendments to House Bill No. 63 be not concurred in and that a Conference Committee be appointed by the House and a like committee requested from the Senate.

That House Joint Memorial No. 5 do pass.

That House Joint Memorial No. 6 do pass.

CAMPBELL, Chairman.

Report adopted.



## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 323, respectfully report as follows: That House Bill No. 323 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 325, respectfully report as follows: That House Bill No. 325 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 318, respectfully report as follows: That House Bill No. 318 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 372, respectfully report as follows: That House Bill No. 372 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 320, respectfully report as follows: That House Bill No. 320 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 321, respectfully report as follows: That House Bill No. 321 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 174, respectfully report as follows: That House Bill No. 174 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 316, respectfully report as follows: That House Bill No. 316 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 322, respectfully report as follows: That House Bill No. 322 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Water Conservation and Flood Control, having had under consideration, Substitute Senate Bill No. 55, respectfully report as follows: That Substitute Senate Bill No. 55 be concurred in.

CROUSE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 406, respectfully report as follows: That House Bill No. 406 be transferred without recommendation to Workmen's Compensation Committee.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 279, respectfully report as follows: That House Bill No. 279 do pass.

MITCHELL, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the Clerk be instructed to amend the title of House Bill No. 59 to conform with the body of the bill by striking out the word "Employer" in line 5 of the title of the printed bill and inserting in lieu thereof the word "himself."

It was moved by Kruse, duly seconded and carried, that the House give the officers and men of the 163d Infantry the use of the House Chambers, Wednesday morning, February 17th, 1937, to conduct military services honoring Colonel E. H. Williams.

It was moved by Anderson of Phillips, duly seconded and carried, that House Bill No. 141 be taken from General Orders and referred to the Committee on Appropriations.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 9:30 o'clock A. M. Monday morning, February 15th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### FORTY-THIRD DAY

House of Representatives,  
Helena, Montana,  
February 15th, 1937.

House convened, pursuant to adjournment, at 9:30 A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except Manning who was excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-second Legislative Day find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Joint Resolution No. 6, Senate Bills Nos. 40, 42, 88, 94, 95, 97 and 100.

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 85 and 128.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 6, 96, 112, 114 and 124.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith transmitted to the House for concurrence in the Senate amendments: House Bills Nos. 119, 131 and 153.

The Senate this day, on roll call, adopted the report of the Joint Conference Committee on Senate amendments to House Bill No. 64.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### REPORTS OF STANDING COMMITTEES

We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration a motion that Rule 53 be amended to read as follows: Who may be admitted to the floor; persons of the following classes, and no others, shall be admitted to the floor of the House during the sessions thereof, viz., all members of the Legislative Assembly, Members of the State Constitutional Convention of 1889, former members of the Legislative Assembly, contestants for seats in the House." Respectfully recommend that House Rule No. 53 be amended to read as follows:

Persons of the following classes may be admitted to the floor of the House during the sessions thereof, viz: All State and Legislative Officers, Members of the late State Constitutional Convention, Members of the Senate, Ex-Members of the Legislative Assembly, Members of Congress, Judges of the Courts, all Editors of Newspapers within the State, reporters and correspondents of the press having credentials as such, contestants for seats in the House and members of the immediate family of House Members; and no one shall be permitted to lobby on the floor of the House at any time. And as amended, do pass.

SPIEGEL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 71, respectfully report as follows: That Senate Bill No. 71, be concurred in.

METLEN, Chairman.

Report adopted.

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on Senate Amendments to House Bill No. 63: Anderson (Silver Bow), Kruse and Sorte.

### MOTIONS AND RESOLUTIONS

It was moved by Stortz, duly seconded and carried, that House Bill No. 344 be taken from the Committee on Social Security and referred to the Committee on Appropriations.

### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 42, introduced by Campbell: A Bill for an Act entitled: "An Act establishing a State Temperance Commission, for the purpose of promoting temperance and decreasing the intemperate use of alcoholic liquors, preventing the use thereof by minors, creating a Special State Fund to be derived only from the liquor traffic to cover

the cost of administering this Act; and making an appropriation from the General Fund to meet expenses incident to administration of the Act before funds are available in the Treasury to the credit of the "Temperance Commission Fund" herein established, and providing for the repayment of such appropriation to the General Fund when moneys are available in the State Treasury to the credit of the "Temperance Commission Fund" herein provided for." Referred to the Committee on State Boards and Offices.

Senate Bill No. 88, introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to amend Section 6014.23 of the Revised Codes of Montana of 1935, relating to changing the number of directors of State Banks and Trust Companies and providing the method and procedure for making such change." Referred to the Committee on Banks and Banking.

Senate Bill No. 94, introduced by Waite and Stevens: A Bill for an Act entitled: "An Act to amend Sections 721, 722, 723, 724, 725 and 729, and repealing Sections 728 and 730 of the Revised Codes of Montana, 1935, relating to marking and swearing to ballots by electors; disposition of marked ballot upon receipt by clerk; delivery of ballots to election judges; keeping record of ballots and issuing certificate by clerk; duties of election judges, relative to handling absent voters ballots relating to voting in person by elector on election day, relating to procedure when elector is present after marking ballot; repealing all Acts and parts of Acts in conflict herewith and providing said Act shall be in full force and effect from and after its passage and approval." Referred to the Committee on Privileges and Elections.

Senate Bill No. 95, introduced by Stevens and Waite: A Bill for an Act entitled: "An Act to amend Sections 587, 590, 592, and 593 of Chapter 62 of the Revised Codes of Montana, 1935, relating to the appointment of judges and clerks of election; repealing Section 588 of Chapter 62, Revised Codes of Montana, 1935; providing for the appointment of a special Board of Election and designating their duties; repealing all Acts and parts of Acts in conflict therewith, and providing said Act shall be in full force from and after its approval." Referred to the Committee on Privileges and Elections.

Senate Bill No. 97, introduced by Groff and Pauline: A Bill for an Act entitled: "An Act to amend Sections 9443 and 9444 of the Revised Codes of the State of Montana of 1935, relating to the redemption of real property from execution sales; redemption money and computation of amount to be paid; providing who may be redemptioners thereof, and providing when the judgment debtor, or his wife, or redemptioner may redeem." Referred to the Committee on Judiciary.

Senate Bill No. 100, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Sections 9664, 9680, 9632, 9633 and 9637 of the Revised Codes of Montana, 1935, relating to judgment when defendant fails to appear in Justice Court; judgment of dismissal entered in certain cases without prejudice; time for appearance; alias summons and fixing day for trial and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on Judiciary.

Senate Bill No. 40, introduced by Anderson: A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to Section 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana relating to the investment and administration of the Public School Permanent Fund, the other permanent funds originating in land grants from the United States for the support



of higher institutions of learning, and of other funds as separate and integral funds of the Montana Trust and Legal Fund." Referred to the Committee on Constitutional Amendments.

Senate Joint Resolution No. 6, introduced by Committee on Compensation: A Resolution requesting the Governor of the State of Montana to appoint a Commission to make a study of occupational diseases and particularly silicosis in the State of Montana, and to make recommendations to the Twenty-sixth Legislative Assembly at its session in 1939, of Legislation relating thereto. Referred to the Committee on Workmen's Compensation.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders, under the rules of the previous sitting.

Peterson (Sheridan) in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That consideration of House Bill No. 245 be passed for the day.

That House Bill No. 165 be indefinitely postponed.

That the enacting clause be stricken from House Bill No. 133.

That House Bill No. 167 be amended as follows: Amend Section 1 by striking out in line 6 the word "both" and in line 7 the word "and" and inserting in lieu thereof the word "or";

And as amended do pass.

That House Bill No. 181 do pass.

That House Bill No. 265 do pass.

That House Bill No. 255 do pass.

That the enacting clause on House Bill No. 292 be stricken.

PETERSON (Sheridan), Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 94, 300, 233, 234, 169, 148, 202, 240, 193, 286, 266, 285, 117, 305, 301, 215 and House Joint Resolution No. 3.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 250, 267, 271 and 59.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, the Majority of your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 1, respectfully

report as follows: That Senate Bill No. 1 as amended by the House Judiciary Committee be concurred in.

PADBURY,  
CAMPBELL,  
JOFFRAY,  
HOLECEK,  
PETERSON (Sheridan),  
METLEN.

Mr. Speaker: We, the Minority of your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 1, respectfully report as follows: That Senate Bill No. 1 be amended as follows:

By striking out the amendment of the House Judiciary Committee in line seven (7) of the Title. Which amendment is as follows: By striking figures "1938" Line 7 of Title and inserting in lieu thereof figures "1937".

By further amending the amendments of the Judiciary Committee as follows: (Which will restore the bill, in these lines, to its original Senate form)

1. Amend line 19, Sec. 1, page 1 by striking out the figures "1937" and inserting in lieu thereof the figures "1938".

2. Amend line 20, Sec. 1, page 1 by striking out the figures "1937" and inserting in lieu thereof the figures "1938".

3. Amend line 3, Sec. 3, page 2, by striking out the figures "1937" and inserting in lieu thereof the figures "1938".

4. Amend line 21, Sec. 6, page 2, by striking out the figures "1937" and inserting in lieu thereof the figures "1938".

And as amended be concurred in.

CHAMBERLAIN,  
LASBY,  
CUSICK,  
PETERSON (Pondera).

It was moved by Padbury, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Chamberlain, duly seconded and carried, that the report of the Minority be adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 86, respectfully report as follows: That House Bill No. 86 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 171, respectfully report as follows: That House Bill No. 171 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 225, respectfully report as follows: That House Bill No. 225 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 262, respectfully report as follows: That House Bill No. 262 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 374, respectfully report as follows: That House Bill No. 374 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 368, respectfully report as follows: That House Bill No. 368 do not pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 283, respectfully report as follows: That House Bill No. 283 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 398, respectfully report as follows: That House Bill No. 398 do not pass.

CAMPBELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 380, respectfully report as follows: That House Bill No. 380 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 395, respectfully report as follows: That House Bill No. 395 do pass.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 156, respectfully report as follows: That House Bill No. 156 do not pass and that Substitute House Bill No. 156 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 335, respectfully report as follows: That House Bill No. 335 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 403, respectfully report as follows: That House Bill No. 403 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 160, respectfully report as follows: That House Bill No. 160 do not pass.

It was moved by Spiegel, duly seconded, that the report of the committee be adopted. Motion was lost. It was moved by O'Connor, duly seconded and carried, that House Bill No. 160 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 336, respectfully report as follows: That House Bill No. 336 do not pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, a Majority of your Committee on Economy, having had under consideration House Bill No. 407, respectfully report that House Bill No. 407 do not pass.

PETERSON (Sheridan),  
HAUGAN,  
BOWER,  
D'EWART,  
EGGENBERGER.

Anderson (Lincoln) passed his vote.

Mr. Speaker: We, a Minority of your Committee on Economy, having had under consideration House Bill No. 407, respectfully report that House Bill No. 407 do pass.

ANDERSON (Chouteau),  
BURNS,  
DeDOBBELEER.

It was moved by Peterson (Sheridan), duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Burns, duly seconded, that the report of the Minority be adopted. Motion was lost. Whereupon motion to adopt report of Majority was carried.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 376, respectfully report as follows: That House Bill No. 376 be amended as follows:

By striking in line 31, Section 2, the words and figures "Two and 50/100 Dollars (\$2.50)" and insert in lieu thereof the words and figures "Two Dollars (\$2.00)", and

By striking in lines 6 and 7 of Section 2, page 2, the words and figures "One and 50/100 Dollars (\$1.50)" and insert in lieu thereof the words and figures "Two Dollars (\$2.00)".

And as amended do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 377, respectfully report as follows: That House Bill No. 377 do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 311, respectfully report as follows: That House Bill No. 311 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 384, respectfully report as follows: That House Bill No. 384 do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 173, respectfully report as follows: That House Bill No. 173 do not pass.

LEMMER, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 231, respectfully report as follows: That House Bill No. 231 do pass.

FRESHMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Petroleum, Oil and Gas, having had under consideration House Bill No. 341, respectfully report as follows: That House Bill No. 341 do not pass, but that Substitute House Bill No. 341 entitled:

A Bill for an Act entitled: "An Act providing the method for computing certain deductions allowable on mine taxes in the production of petroleum and natural gas in Montana." do pass.

MINETTE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Petroleum, Oil and Gas, having had under consideration House Bill No. 370, respectfully report as follows: That House Bill No. 370 be printed and placed on General Orders.

MINETTE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Petroleum, Oil and Gas, having had under consideration House Bill No. 385, respectfully report as follows: That House Bill No. 385 do not pass.

MINETTE, Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Joint Resolution No. 3 and House Bills Nos. 148, 169, 202, 233, 300, 305, 193, 117 and 286 be placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that Senate Amendments to House Bill No. 153 be placed at the head of the list on General Orders.

The Speaker signed the following in Open Session: Senate Bills Nos. 41, 5 and 24, and Senate Joint Resolution No. 7.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 98, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act authorizing a Court or Judge to reduce the penalty of a bond previously given by an executor or administrator and providing for the filing of a new bond." Referred to the Committee on Judiciary.

Senate Bill No. 87, introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to amend Section 3277 of the Revised Codes of Montana, 1935, relating to the sale of and payment for carcasses of animals destroyed, and to authorize the Livestock Sanitary Board to cooperate with the United States Bureau of Animal Industry or other Federal agency in eradicating or controlling contagious communicable or dangerous diseases of livestock by adopting rules and regulations." Referred to the Committee on Livestock and Public Ranges.

Senate Bill No. 99, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 5039.74 of the Revised Codes of Montana, 1935, relating to the power of cities and towns to condemn property." Referred to the Committee on Judiciary.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 271 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Spiegel, Stortz, Stromnes, Tyler, Vanek, Wenger, Whaley, Mr. Speaker. Total 65.

Noes: Crouse, Cruickshank, D'Ewart, Green, Haugan, Hedden, Hoiness, Holecek, Jackson, Lehrkind, Levissee, Lippard, Longenecker, Miles, Miller (Big Horn), Padbury, Parker, Shanley, Smith, Stimatz, Trandum, Wood. Total 22.

Absent and not voting: Brayman, Chatham, Cusick, Haight, Joffray, Love, Metlen, Mungas, Peterson (Pondera), Reed, Scofield, Sorte, Toomey, Waldrop. Total 14.

Passed their vote: Sherman. Total 1.

House Bill No. 267 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 82.

Noes: Crouse, Green, Lambert, Miller (Big Horn). Total 4.

Absent and not voting: Acher, Brayman, Chatham, Conner, Lasby, Love, Manning, Metcalf, Minette, Mungas, Peterson (Pondera), Reed, Sorte, Toomey, Whaley. Total 15.

Passed their vote: D'Ewart. Total 1.

House Bill No. 250 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Met-

calf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 91.

Noes: Padbury. Total 1.

Absent and not voting: Acher, Brayman, Chatham, Conner, DeDobbeleer, Kruse, Love, O'Connor, Reed, Toomey. Total 10.

House Bill No. 59 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Hess, Holecek, Jackson, Joffray, Johnson, Kelson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 81.

Noes: D'Ewart, Green, Heavlin, Hedden, Hoiness, Love, Miles, Miller (Big Horn), Minette, Padbury, Wood. Total 11.

Absent and not voting: Brayman, Chatham, Eggenberger, Haight, Kruse, Reed, Toomey. Total 7.

Passed their vote: Haugan, Ijams, Scofield. Total 3.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Lovell in the Chair. Committee arose.

Mr. Speaker in the Chair. House resumed.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 153 be concurred in.

That House Bill No. 274 do pass.

That House Bill No. 232 do pass.

That House Bill No. 192 do pass.

That House Bill No. 282 do pass.

That Senate Amendments to House Bill No. 119 be concurred in.

That Senate Bill No. 71 be concurred in.

That House Joint Resolution No. 3 be amended as follows: Amend the Resolution by striking out in line 35 the word "Greater" and inserting in lieu thereof the word "State" and by changing the period after the word "Library" to a comma, and adding the words "and Dr. J. M. Hamilton of Montana State College, member at large." And as amended, do pass.

LOVELL, Chairman.

It was moved by Lovell, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Spiegel, duly seconded, that Senate Bill No. 71 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number. A Call of the

House was demanded by the required number. On motion, further Call of the House was dispensed with. Whereupon the motion to segregate was lost by the following vote:

Ayes: Anderson (Lincoln), Bloom, Finnegan, Hess, Lovell, McClain, McLeod, Metcalf, Mulholland, Schneider, Shanley, Spiegel, Stimatz, Toomey, Tyler. Total 15.

Noes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bower, Brayman, Brennan, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Seofield, Sherman, Smith, Sorte, Stortz, Stromnes, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Absent and not voting: Burns, Chatham, Reed, Trandum. Total 4.

Passed their vote: Holecek, Scott. Total 2.

Whereupon the report of the Committee of the Whole was adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 131 and 297.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

#### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 87, respectfully report as follows: That Senate Bill No. 87 be concurred in.

SHERMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 82, respectfully report as follows: That Senate Bill No. 82 be concurred in.

SHERMAN, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 251, 111, 246, 256, 185, 298, 263, 314, 135, 243, 349, 354, 182, 187, 268, 298, Substitute House Bill No. 149 and House Joint Memorial No. 9.

MACKIE, Chairman.

Report adopted.



The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 265, 255, 181, 104, 198 and House Joint Memorials Nos. 5 and 6.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 253, respectfully report as follows: That House Bill No. 253 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 261, respectfully report as follows: That House Bill No. 261 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 252, respectfully report as follows: That House Bill No. 252 do pass.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration Senate Joint Resolution No. 6, respectfully report as follows: That Senate Joint Resolution No. 6 do pass.

On motion by Finnegan, duly seconded and carried, Senate Joint Resolution No. 6 was re-referred to the Committee on Workmen's Compensation.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration House Bill No. 399, respectfully report as follows: That House Bill No. 399 be amended as follows: The word "nine" in line 10 of the original bill be stricken out and the word "eight" substituted in lieu thereof. And as amended, do pass.

ACHER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 358, respectfully report as follows: That House Bill No. 358 be amended as follows:

By striking out in Line 3, in the Title, the words, "To amend Section 2907 of the Revised Codes of Montana of 1935; relating to adequate hospital facilities for injured workmen and the cost thereof; and relating to deductions from wages of employees for the payment of medical and hospital services; to amend Section 2917 of the Revised Codes of Montana of 1935; relating to the payment of medical and hospital bills for the care of injured workmen, and the jurisdiction of the Industrial Accident Board in such cases;"

By striking out all of Section 2.

By striking out all of Section 3.

By renumbering Section 4, making it Section 2.

Section 5 will be numbered Section 3, Section 6 will be numbered Section 4, and Section 7 will be numbered Section 5.

And as amended, do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 88, respectfully report as follows: That Senate Bill No. 88 be concurred in.

ACHER, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Kruse, duly seconded and carried, that Senate Amendments to House Bill No. 153 be taken from Third Reading and placed at the head of the list on General Orders.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders, under the rules of the previous sitting.

Toomey in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 153 be not concurred in and that a conference committee be appointed in the House and a like committee requested from the Senate.

That House Bill No. 202 be amended as follows: Amend Section 1 by striking out in line 18 of the printed bill after the word "that" all the remainder of subsection (e) and inserting in lieu thereof the words "U. S. Commercial grade shall not be a standard grade in the State of Montana." And as amended do pass.

That House Bill No. 148 do pass.

That House Bill No. 169 do pass.

That House Bill No. 233 do pass.

That House Bill No. 286 be amended as follows: Amend Section 1 by adding the word "States" after "United" and before "District" in line 16. And as amended do pass.

That House Bill No. 300 be amended as follows:

Amend Section 1 in line 6 by striking out the word "June" and inserting in lieu thereof the word "May".

Amend Section 2 in line 4 by striking the word "his" and inserting in lieu thereof the word "whose" and amend in line 7 by striking the word "June" and inserting in lieu thereof the word "May";

And as amended do pass.

That the enacting clause be stricken from House Bill No. 117.

That House Bill No. 305 be amended as follows: Amend Section 1 by striking out in line 7 the word "and" after the word "art" and inserting in lieu thereof a comma and after the word "agriculture" insert the words "cooperative economics and history." And as amended do pass.

That House Bill No. 193 be amended as follows: Amend Section 1, line 11, by adding after the word "livestock" a comma; and as amended, do pass.

That House Bill No. 251 do pass.

That consideration of Substitute House Bill No. 149 be passed for the day.

That House Bill No. 111 do pass.

That consideration of House Bill No. 246 be passed for the day.  
That consideration of House Bill No. 256 be passed for the day.  
That consideration of House Bill No. 185 be passed for the day.  
That consideration of House Bill No. 298 be passed for the day.  
That House Bill No. 263 do pass.  
That House Bill No. 314 do pass.  
That the enacting clause be stricken from House Bill No. 135.

That House Bill No. 243 be amended as follows: Amend Title by inserting after the word "Vehicles" in line 3 the words "trailers and semi-trailers" and amend Section 1 in line 12 after the word "vehicle" the same way. And as amended do pass.

TOOMEY, Chairman.

Report adopted.

### REPORTS OF SELECT COMMITTEES

#### Report of Committee to Investigate Gambling in Helena

We, your Committee, appointed pursuant to a Resolution proposed by the gentleman from Toole, and adopted by this House, to investigate gambling in the City of Helena, respectfully report as follows:

#### I.

That at the time of the appointment of your Committee, and for some time prior thereto, there were rumors and evidence of gambling in the City of Helena; that your Committee, however, after the date of its appointment, investigated every place where it was alleged that such gambling existed; such investigation was made by frequent personal calls at all of such places at divers hours and times of the day and night, but from the observations of the Committee there is not and has not been since the appointment of this Committee, any gambling conducted in the City of Helena.

#### II.

That your Committee interviewed the principal law enforcement officers of the City of Helena and Lewis and Clark County, and questioned them relative to alleged gambling within the jurisdiction of this Committee; that said officials assured your Committee that the laws with respect to this would be observed.

#### III.

That your Committee and this Legislative Assembly is cognizant of the fact that our laws are adequate with respect to the prosecution of gambling offenses, and that no additional legislation is needed or required.

Your Committee feels that its investigation has been completed and the Committee should be discharged forthwith.

Signed,

CAMPBELL,  
HOINESS,  
MILLER (Big Horn).

It was moved by Spiegel, duly seconded and carried that the House adjourn until 9:30 o'clock A. M., Tuesday morning, February 16th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FORTY-FOURTH DAY

House of Representatives,  
Helena, Montana,  
February 16, 1937.

House convened, pursuant to adjournment, at 9:30 A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following, who were excused: McClain and Smith.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-third Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing, reported the following House Bills correctly printed: House Bills Nos. 172, 229, 219, 343 and House Joint Memorials 7, 8, and 10.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bill No. 38.

PETERSON of Pondera, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Cusick, duly seconded and carried, that the House go into Executive Session to consider the report of the Investigation committee on the Montana State Soldier's Home at Columbia Falls.

After Executive Session the following report was adopted and ordered printed in the Journal:

Findings of Committee appointed to investigate conditions at the Montana State Soldiers' Home at Columbia Falls.

To the Speaker and Members of this Assembly:

Mr. Speaker: We, your special committee, appointed by authority of the resolution introduced by the Appropriation committee, authorized to inquire into conditions at the Montana State Soldiers' Home at Columbia Falls, beg leave to report as follows:

Your Committee held hearings for three days at the home and interrogated practically all of the residents and employees there. We called in every witness the commander asked to be heard and all others who wanted to be heard.

The probing of witnesses discloses that there is a complete lack of cooperation between the commander and the balance of the employees that has not been apparent until the present commander took charge slightly more than a year ago.

We find that the Home board has been operating as practically a two-man board and that the conditions are poor due to the fact that there has been favoritism shown.

The evidence shows that while a majority of the board voted to put in a certain man named Lloyd of Great Falls as commander and he was duly elected, the two men who are controlling the board, called a second meeting and had the vote rescinded and this man Baldwin elected.



The conditions of the buildings in general are in a bad state of repair and three of the four fire-escape doors in the hospital have been locked and nailed shut.

Considerable money has been wasted in the farming operations because of lack of experience of the commander along that line. Instead of confining the operations to the raising of potatoes and vegetables to be used at the home, we find that considerable money was spent last summer in raising mangels for the stock and water that should have been used for the garden was used on these mangels.

We find that money appropriated for certain purposes has been used for entirely different purposes and the board of managers has failed to object. Six years ago money was appropriated by this assembly for the building of a root cellar and the board has not as yet had this work done. This money has been used for other purposes. What cabbage raised during the past year has been frozen so that it cannot be used because of the lack of a root cellar.

We find that the dairy herd has been badly neglected to the extent that the cows now range in age from 8 to 14 years and no provisions have been made for replacement by raising the heifer calves to bring the herd up to better standards.

We find that instead of being a help to the residents of the home, Commander Baldwin has taken the attitude of a dictator and attempted to change all customs of old people to such an extent that there is considerable unrest and discontent.

We also find that several resident members who are drawing fair pensions are given employment while others who are drawing no pensions and who are able to do the work are not employed, which causes jealousy and some friction.

We find that all but about \$13,000 of the appropriation for this fiscal year has been used up, and that this amount will not be sufficient to care for the expense of the home for the next five months. In addition to this, the supplies have been allowed to diminish.

We make the following recommendations:

(1) That the board of managers be dismissed and the Governor appoint a new board at once.

(2) That the commander, Baldwin, be replaced at once.

(3) That Steward Montgomery be replaced at once.

(4) That the new board of managers and new commander be instructed to give preference on employment to residents of the home who are drawing little or no pensions.

(5) That as soon as the new board and commander is appointed they be instructed to make an immediate inventory and estimate the necessary repairs to the bulidings and heating system.

(6) That the Board of Examiners be authorized to order the necessary expenditure for the repairs and the amount be appropriated at the next session of the Legislature and not be deducted from the biennium appropriation made at the 1937 session of the Legislature.

CUSICK, Chairman,  
BRAYMAN,  
LOVELL.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 390,

respectfully report as follows: That House Bill No. 390 be referred to the Committee on Appropriations with the recommendation of the Committee on State Institutions, Public Buildings and Grounds.

SHANLEY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration Senate Joint Resolution No. 6 respectfully report as follows: That Senate Joint Resolution No. 6 be amended as follows:

By inserting the following resolutions after the Senate Amendment: "and be it further, Resolved, that the said commissioners, other than the Chairman of the state Board of Health, shall each receive for their services the sum of ten dollars (\$10.00) per day and all reasonable and necessary expenses incurred for transportation and subsistence for each and every day that they are engaged in the work designated under this act; and be it further,

Resolved, that the sum of Ten Thousand Dollars (\$10,000) or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salary of the said commissioners and all other necessary expenses," and as amended recommend that the resolution be referred to the Appropriation Committee.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 294 respectfully report as follows: That House Bill No. 294 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 400 respectfully report as follows: That House Bill No. 400 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 344 respectfully report as follows: That House Bill No. 344 be recommended for passage and re-referred to the Social Security Committee.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 184, respectfully report as follows: That House Bill No. 184 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 65, respectfully report as follows: That Senate Bill No. 65 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 244, respectfully report as follows: That House Bill No. 244 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 287, respectfully report as follows: That House Bill No. 287 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 348, respectfully report as follows: That House Bill No. 348 do not pass.

BJORNEBY, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

House Bill No. 70 was this day read third time and concurred in, title and history agreed to and bill is herewith returned to the House.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Substitute Senate Bill No. 90 and Senate Bills Nos. 96, 107, 110 and 112.

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 83, 134, 164 and 204.

House Bill No. 30 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in the Senate amendments.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Kruse, duly seconded and carried, that the Speaker appoint a committee of three to represent the House at the funeral of Colonel E. H. Williams, on Wednesday, at Bozeman.

It was moved by Alvord, duly seconded and carried, that consideration of House Bill No. 245 be passed for the day.

It was moved by Chamberlain, duly seconded, that the House reconsider its action on House Bill No. 117. On substitute motion it was moved by Spiegel, duly seconded and carried, that the motion by Chamberlain be laid on the table.

It was moved by Vanek, duly seconded and carried, that consideration of House Bill No. 298 be passed for the day.

It was moved by Stimatz, duly seconded, that Senate Bill No. 71 be taken from Third Reading and placed on General Orders. On substitute motion, it was moved by Stromnes, duly seconded and carried, that the motion by Stimatz be indefinitely postponed.

Mr. Speaker: I have examined enrolled House Bill No. 297, introduced by me and find the same to be correct.

MANNING.

The Committee on Enrolling reported House Bill No. 297 correctly enrolled.

McKENNA, Chairman.

Report adopted.

The Speaker signed House Bill No. 297 in Open Session.

## REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills be considered correctly engrossed: House Bills Nos. 169, 243, 314, 263 and 251.

PETERSON of Pondera, Chairman.

Report adopted.

The Speaker announced the following conference committee to act on Senate Amendments to House Bill No. 153: Stortz, Minette and D'Ewart.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to Committees:

Substitute Senate Bill No. 90, introduced by Judiciary Committee: A Bill for an Act entitled: "An Act to amend Section 6011 of the Revised Codes of Montana of 1935, relating to the winding up of the affairs of dissolved Corporations; defining the powers and duties of surviving directors as trustees of such corporation and of trustees appointed to succeed such directors as trustees of such corporations; providing that such trustees may sue and be sued; providing for the winding up of the affairs and the disposition of the property of a dissolved corporation; providing a procedure therefor; providing for actions to determine the ownership of the real estate of certain of such corporations and the form of decree in such actions and making other provisions germane to the general purpose of said Section." Referred to Committee on Judiciary.

Senate Bill No. 96, introduced by Anderson, Weinschrott, Foor, Murphy, Sullivan (Chouteau), Lamp, Angvick, Simmons, Wass, Plumer, Robson, Hollenback, Pauline: A Bill for an Act entitled: "An Act amending Section 2396.3 of the Revised Codes of Montana of 1935, providing for the determination and use of percentages of uncompleted mileage in highway districts in distributing the State Highway fund for construction purposes." Referred to Committee on Highways and Highway Transportation.

Senate Bill No. 107, introduced by Pauline and Groff: A Bill for an Act entitled: "An Act to amend Section 182.1, Revised Codes of Montana, 1935, authorizing the State Depository Board to permit the State Treasurer to invest surplus cash in his office in registered warrants of the State of Montana, and/or treasury certificates of the federal government, and prescribing for the keeping of a record of registered warrants and such certificates so purchased. Providing that the interest earned thereon be credited to the general fund of the State, and repealing all Acts and parts of Acts in conflict therewith." Referred to Committee on State Boards and Offices.

Senate Bill No. 110, introduced by Mann: A Bill for an Act entitled: "An Act to amend Section 10960 of the Revised Codes of Montana, 1935, relating to punishment for manslaughter." Referred to Committee on Judiciary.

Senate Bill No. 112, introduced by Robson: A Bill for an Act entitled: "An Act to amend Section 12078 of the Revised Codes of the State of Montana of 1935, relating to the right of Courts to suspend sentence and to revoke such suspended sentence." Referred to Committee on Judiciary.

The Conference Committee on Senate Amendments to House Bill No. 153 was excused, for a short time.



## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

Senate Bill No. 71 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Sorte, Stromnes, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 72.

Noes: Anderson (Lincoln), Finnegan, Hess, Longenecker, Lovell, McLeod, Metcalf, Mulholland, Peterson of Pondera, Schneider, Shanley, Spiegel, Stimatz, Toomey, Tyler. Total 15.

Absent and not voting: Campbell, D'Ewart, Freshman, Holecek, Joffray, Lambert, McClain, McKenna, Metlen, Miller (Big Horn), Minette, Smith, Stortz, Trandum, Waldrop. Total 15.

House Bill No. 38 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hess, Hoiness, Ijams, Jackson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Daly, Green, Hedden, Johnson, Longenecker, Monahan, Shanley. Total 7.

Absent and not voting: Campbell, D'Ewart, Elliott, Freshman, Holecek, Joffray, Levissee, Love, McClain, Manning, Metlen, Miller (Big Horn), Minette, O'Connor, Schneider, Smith, Toomey, Trandum. Total 18.

Passed their vote: Bower, Haugan, Mungas. Total 3.

Senate Amendments House Bill No. 119 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Lovell, McKenna, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Phelan, Reed, Ruffcorn, Schneider, Shanley, Spiegel, Stimatz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 57.

Noes: Brennan, Chamberlain, Dougherty, Green, Johnson, Kelson, Kruse, Lambert, Lasby, Longenecker, Love, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), O'Connor, O'Shea, Parker, Peterson (Pondera), Sherman, Sorte, Wood. Total 23.

Absent and not voting: Anderson (Lincoln), Campbell, Chatham, D'Ewart, Freshman, Haight, Holecek, Joffray, McClain, McLeod, Mackie, Manning, Metlen, Minette, Peterson (Sheridan), Scott, Smith, Stortz, Toomey, Trandum, Vanek. Total 21.

Passed their vote: Scofield. Total 1.

House Bill No. 265 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Sliver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 73.

Noes: Anderson (Lincoln), Lambert, Lasby, Lippard, Miller (Big Horn), O'Shea, Stimatz. Total 7.

Absent and not voting: Brennan, Campbell, Chatham, Crouse, Cruickshank, D'Ewart, Freshman, Green, Heavlin, Holecek, Joffray, McClain, Manning, Masterson, Metlen, Minette, Monahan, Scott, Smith, Stromnes, Trandum. Total 21.

Passed their vote: Scofield. Total 1.

House Bill No. 255 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Ijams, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Mitchell, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Spiegel, Stimatz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 72.

Noes: Anderson (Lincoln), Bloom, Green, Haugan, Hess, Jackson, Lambert, Love, Miles, Miller (Big Horn), Monahan, O'Shea. Total 12.

Absent and not voting: Campbell, Chatham, Cruickshank, D'Ewart, Freshman, Hoiness, Holecek, Joffray, Lippard, McClain, Masterson, Metlen, Minette, Scott, Smith, Stortz, Stromnes. Total 16.

Passed their vote: Longenecker, Sorte. Total 2.

House Bill No. 181 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Joffray, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Anderson (Lincoln), Lambert, Lasby, O'Shea, Tyler. Total 5.

Absent and not voting: Campbell, D'Ewart, Freshman, Goodwin, Heavlin, Hoiness, Holecek, Jackson, McClain, Manning, Masterson, Metlen, Miller (Big Horn), Minette, Mitchell, Monahan, Scott, Smith, Spiegel, Stortz, Stromnes. Total 21.

Passed their vote: McLeod. Total 1.

House Bill No. 198 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Measure, Metcalf, Metlen, Miles, Miller (Big Horn), Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: None.

Absent and not voting: Bloom, Campbell, Freshman, Goodwin, Heavlin, Hoiness, Holecek, McClain, Manning, Masterson, Miller (Roosevelt), Minette, Monahan, Peterson (Pondera), Scott, Smith, Stromnes. Total 17.

House Bill No. 104 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Holecek, Jackson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Love, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Shanley, Smith, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 74.

Noes: Haugan, Ijams, Joffray, Longenecker, Scofield, Stimatz, Wood. Total 7.

Absent and not voting: Campbell, Chatham, Eggenberger, Freshman, Green, Heavlin, Johnson, Lippard, Lovell, McClain, Manning, Masterson, Metlen, Minette, Monahan, Mungas, Peterson (Pondera), Scott, Sherman, Stortz, Stromnes. Total 21.

## MOTIONS AND RESOLUTIONS

It was moved by Brennan, duly seconded, that House Bill No. 169 be taken from Third Reading and placed on General Orders. After considerable discussion, the previous question was moved by Holecek, duly seconded and carried. Whereupon motion by Brennan lost.

It was moved by Levissee, duly seconded and carried, that Substitute House Bill No. 149 be passed for the day.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)



House Bill No. 169 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Hess, Holecek, Jackson, Johnson, Kruse, Lambert, Lasby, Lippard, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller, (Big Horn), Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 61.

Noes: Acher, Brennan, Crouse, D'Ewart, Dougherty, Elliott, Heavlin, Hedden, Hoiness, Ijams, Kelson, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, Minette, Mungas, O'Connor, Padbury, Parker, Scofield, Shanley, Stromnes, Toomey, Trandum, Wenger. Total 27.

Absent and not voting: Campbell, Chatham, Haugan, Joffray, Levissee, Love, McClain, Manning, Masterson, Metlen, Mitchell, Smith. Total 12.

Passed their vote: Monahan, Mulholland. Total 2.

House Bill No. 243 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Kruse, Lambert, Lasby, Leeson, Lemmer, Longenecker, Lovell, McKenna, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Kelson, Lippard, Miller (Big Horn). Total 3.

Absent and not voting: Brennan, Campbell, Chatham, Hamilton, Hoiness, Joffray, Johnson, Lehrkind, Levissee, Love, McClain, McLeod, Mackie, Masterson, Metlen, O'Shea, Smith, Stortz, Stromnes. Total 19.

Passed their vote: Tyler. Total 1.

House Bill No. 314 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, Lovell, McKenna, Manning, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 87.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Bloom, Burns, Chatham, D'Ewart, Levissee, McClain, McLeod, Mackie, Masterson, Metcalf, Metlen, Schneider, Smith, Stromnes. Total 15.



House Bill No. 263 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjorneby, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lemmer, Levissee, Love, Lovell, McKenna, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 77.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Bower, Dougherty, Kelson, Lambert, Metcalf, Peterson (Sheridan), Stimatz. Total 9.

Absent and not voting: Bloom, Brayman, Campbell, Holecek, Lehrkind, Longenecker, McClain, McLeod, Manning, Masterson, Metlen, Smith, Stromnes. Total 13.

Passed their vote: Lippard, Scofield, Spiegel. Total 3.

House Bill No. 251 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson, (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Dougherty, Mr. Speaker. Total 86.

Noes: Lambert. Total 1.

Absent and not voting: Acher, Campbell, Chamberlain, Chatham, D'Ewart, Holecek, McClain, McLeod, Manning, Metcalf, Metlen, Monahan, Padbury, Sherman, Smith. Total 15.

## REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Conference Committee on Senate Amendment to House Bill 153 beg leave to report that the Senate has receded on its amendment to Section 8, and have agreed to the striking of the word "imperative" and to the insertion in lieu thereof the word "inoperative."

For the House:

STORTZ,  
MINETTE,  
D'EWART.

For the Senate:

CALDER,  
STARKS,  
OLIVER.

## STATEMENT

Mr. Speaker: The following statement is prepared to accompany your Conference Committee report on Senate Amendment to House Bill No. 153:

The Conference Committee by striking the word "imperative" and inserting the word "inoperative" corrected a typographical error.

STORTZ, Chairman (House)  
CALDER, Chairman (Senate)

On motion of Stortz, duly seconded, report of Conference Committee on Senate Amendment to House Bill No. 153 was adopted, by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Harcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Noes: Chatham, Longenecker, Toomey. Total 3.

Absent and not voting: Anderson (Silver Bow), Anderson (Lincoln), Campbell, Eggenberger, Green, Haugan, Holecek, Jackson, Kelson, Lovell, McClain, McLeod, Manning, Metlen, O'Shea, Smith, Sorte, Trandum. Total 18.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 238 be taken from the committee on Printing and re-referred to Committee on Townships and Counties.

It was moved by Minette, duly seconded and carried, that the Speaker be empowered to appoint a committee of three to pass suitable resolutions and notices in the case of the recent death of the Adjutant General of the State of Montana, Colonel E. H. Williams.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following correctly printed: House Bills Nos. 325, 318, 320, 213, 317, 270, 159, 363, 322, 324, 312, 201, 331, 188, 238 and House Joint Resolution No. 6.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 232, 233, 111, 148, 137, 40, 167, 274, 192 and 282 and House Joint Resolution No. 3.

PETERSON of Pondera, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 58 respectfully report as follows: That Senate Bill No. 58 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 60 respectfully report as follows: That Senate Bill No. 60 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under Consideration Senate Bill No. 107 respectfully report as follows: That Senate Bill No. 107 be concurred in.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 371 respectfully report as follows: That House Bill No. 371 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 369 respectfully report as follows: That House Bill No. 369 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 350 respectfully report as follows: That House Bill No. 350 do pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 61 respectfully report as follows: That Senate Bill No. 61 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 382 respectfully report as follows: That House Bill No. 382 be amended as follows:

By striking the words "Three weeks" and inserting lieu thereof the words "Forty days", and as amended do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Military Affairs, having had under consideration House Bill No. 347 respectfully report as follows: That House Bill No. 347 do pass.

BRAYMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Military Affairs, having had under consideration House Bill No. 365 respectfully report as follows: That House Bill No. 365 do pass.

BRAYMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 366 respectfully report as follows: That House Bill No. 366 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 375 respectfully report as follows: That House Bill No. 375 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 364 respectfully report as follows: That House Bill No. 364 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 394 respectfully report as follows: That House Bill No. 394 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 83 respectfully report as follows: That Senate Bill No. 83 be amended as follows:

Amend Section 7, subsection 3, Line 32, Page 7, by inserting after the word "veterinarian"—"shall return to such physician, dentist, or veterinarian", and as amended be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 242 respectfully report as follows: That House Bill No. 242 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 205 respectfully report as follows: That House Bill No. 205 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 218 respectfully report as follows: That House Bill No. 218 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 223 respectfully report as follows: That House Bill No. 223 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 224 respectfully report as follows: That House Bill No. 224 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 288 respectfully report as follows: That House Bill No. 288 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 120 respectfully report as follows: That House Bill No. 120 do not pass, but that Substitute House Bill No. 120 do pass.

HAIGHT, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 339 respectfully report as follows: That House Bill No. 339 do not pass and that Substitute House Bill No. 339 do pass.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 5 respectfully report as follows: That Senate Joint Memorial No. 5 be concurred in.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 4 respectfully report as follows: That House Joint Resolution No. 4 do pass.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Memorial No. 4 respectfully report as follows: That House Memorial No. 4 be amended as follows:

In Line 7, Page 2, strike out the word "thirty" and substitute in lieu thereof, the word "twenty", and as amended do pass.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Corporations other than Municipal, having had under consideration House Bill No. 326 respectfully report as follows: That House Bill No. 326 do pass.

FRESHMAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Ways and Means, having had under consideration House Bill No. 352 respectfully report as follows: That House Bill No. 352 do pass.

HEDDEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 379 respectfully report as follows: That House Bill No. 379 be amended as follows:

By striking out all that portion of the Bill commencing with words "from March 1, 1937" in line 8 to "(\$300,000.00)" in figures at the close of line 21, and inserting in lieu thereof the following: "and for the purpose of carrying out the provisions of the Water Conservation Act, Acts amendatory thereto and supplementary thereof, and such other authority, powers and duties as are conferred upon the Water Conservation Board by law, the following sums from the sources hereinafter designated:"

"(a) For the year ending March 1, 1938, for the Administration Fund of the State Water Conservation Board six and two-thirds per centum (6⅔%) of the net profits derived under the provisions of Chapter 255, Revised Codes of Montana, designated as the State Liquor Control Act of Montana, if and when received, but which per centum shall not exceed the sum aggregating one hundred thousand dollars (\$100,000.00).

"(b) For the year ending March 1, 1939, for the Administration Fund of the State Water Conservation Board six and two-thirds per centum (6⅔%) of the net profits derived under the provisions of Chapter 255, Revised Codes of Montana, designated as the State Liquor Control Act of Montana, if and when received, but which per centum shall not exceed the sum aggregating One hundred thousand dollars (\$100,000.00).

"(c) For the year ending March 1, 1938, for the Conservation Revolving Fund of the State Water Conservation Board twenty per centum (20%) of the net profits derived under the provisions of Chapter 255, Revised Codes of Montana, designated as the State Liquor Control Act of Montana, if and when received, but which percentum shall not exceed the sum aggregating Three hundred thousand dollars (\$300,000.00).

"(d) For the year ending March 1, 1939, for the Conservation Revolving Fund of the State Water Conservation Board twenty per centum (20%) of the net profits derived under the provisions of Chapter 255, Revised Codes of Montana, designated as the State Liquor Control Act of Montana, if and when received, but which per centum shall not exceed the sum aggregating Three hundred thousand dollars (\$300,000.00)", and as amended do pass.

MANNING, Chairman.

Report adopted.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised the House that he had approved and signed House Bill No. 297.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day on roll call concurred in the House amendments to Substitute Senate Bill No. 3.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that the House extend the privilege of the use of the House Chamber at some convenient time Wednesday afternoon, immediately after adjournment or prior to the evening session for the purpose of a public hearing on the moratorium bill.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 264 do pass.

That Senate Bill No. 19 be amended as follows:

(Committee of the Whole—Senate Bill No. 19)

Amend by inserting a new Section after Section 5 as follows: "Section 5-A. The following method shall be used in determining fair prices for agricultural products sold on local markets, in any trade area, district or city in which the major portion of any agricultural commodity or product is produced within or adjacent to said trade area, city or district.

Whenever 75% of producers of any agricultural product or commodity marketing said products or commodities within any trade area, district or city shall determine what is a fair price based upon competitive and other factors for their product or commodity, it shall be deemed the fair price for such product or commodity under the terms of this act.

Such producers through their regular constituted agents shall file with the Montana Trade Commission such fair price and request a hearing for the establishment of fair prices to jobbers, wholesalers, retailers and consumers of said agricultural products or commodities. Any organization

representing consumers shall not be denied representation at such a meeting.

After the establishment of such schedule of fair prices for said agricultural products or commodities, it shall be a violation of this Act for any producer, jobber, wholesaler or retailer to sell or buy any agricultural commodity or product below such price as established by the Montana Trade Commission and such action shall be deemed a violation of this Act and punishable under the terms provided in this Act." and as amended be concurred in.

That House Bill No. 246 do pass.

That House Bill No. 256 do pass.

That House Bill No. 185 do pass.

That House Bill No. 182 do pass.

That House Bill No. 354 do pass.

That House Bill No. 268 do pass.

That House Bill No. 194 do pass.

JOHNSON, Chairman.

Report adopted.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 232 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Holecek, Ijams, Jackson, Joffray, Johnson, Kelson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levisse, Longenecker, Love, Lovell, McLeod, Measure, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 73.

Noes: None.

Absent and not voting: Acher, Bjerneby, Brayman, Chamberlain, Chatham, Cusick, Heavlin, Hess, Hoiness, Lasby, Lippard, McClain, McKenna, Mackie, Manning, Masterson, Metcalf, Metlen, Miller (Big Horn), Minette, Reed, Scofield, Smith, Spiegel, Stromnes, Toomey, Trandum, Whaley, Wood. Total 29.

House Bill No. 137 failed to pass by the following vote:

Ayes: Bloom, Burns, D'Ewart, Elliott, Green, Haugan, Hedden, Holecek, Kruse, Lambert, Lehrkind, Measure, Metlen, Mitchell, Monahan, Mulholland, Scott, Sherman, Stortz, Tyler, Wenger. Total 21.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Hess, Hoiness, Ijams, Jackson, Johnson, Kelson, Lasby, Leeson, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Shanley, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Vanek, Waldrop, Wood, Mr. Speaker. Total 64.

Absent and not voting: Acher, Bjerneby, Brennan, Chamberlain, Chatham, Cusick, Eggenberger, Heavlin, Joffray, McClain, Manning, Mungas, Smith, Trandum, Whaley. Total 15.

Passed their vote: Haight, Schneider. Total 2.

Kelson was excused for the remainder of the day on account of illness.

House Bill No. 233 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Love, McKenna, McLeod, Mackie, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wood, Mr. Speaker. Total 76.

Noes: Green, Measure. Total 2.

Absent and not voting: Acher, Bjerneby, Finnegan, Heavlin, Holecek, Johnson, Kelson, Longenecker, Lovell, McClain, Manning, Masterson, Monahan, Mulholland, Mungas, O'Shea, Scott, Smith, Stortz, Toomey, Trandum, Wenger, Whaley. Total 23.

Passed their vote: Haight. Total 1.

House Bill No. 111 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Haight, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Lippard, Lovell, Mackie, Metcalf, Metlen, Miles, Minette, Mitchell, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stromnes, Toomey, Tyler, Vanek, Waldrop, Mr. Speaker. Total 61.

Noes: Anderson (Lincoln), Burns, Campbell, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Ijams, Lambert, Lasby, Levisse, Longenecker, Love, McKenna, McLeod, Measure, Miller (Big Horn), Monahan, Mulholland, O'Connor, Sherman, Stimatz, Wenger, Wood. Total 26.

Absent and not voting: Acher, Bjerneby, Cusick, Hamilton, Heavlin, Kelson, McClain, Manning, Masterson, Miller (Roosevelt), Mungas, Smith, Stortz, Trandum, Whaley. Total 15.

House Bill No. 148 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, McKenna, Mackie, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Tyler, Vanek, Whaley, Mr. Speaker. Total 79.

Noes: Lasby, Miles, Wenger. Total 3.

Absent and not voting: Acher, Bjerneby, Brayman, Conner, Hamilton, Joffray, Kelson, Love, Lovell, McClain, McLeod, Manning, Masterson, Miller (Roosevelt), Mungas, Smith, Stortz, Trandum, Waldrop. Total 19.

Passed their vote: Wood. Total 1.



House Bill No. 40 was passed by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Eggenberger, Elliott, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Jackson, Johnson, Kruse, Lehrkind, Levissee, Love, Lovell, Manning, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mungas, O'Connor, O'Shea, Padbury, Phelan, Reed, Scofield, Sorte, Stimatz, Toomey, Mr. Speaker. Total 47.

Noes: Alvord, Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Campbell, Cusick, DeDobbeleer, Dougherty, Finnegan, Freshman, Hess, Ijams, Lambert, Lasby, Leeson, Lemmer, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Scott, Shanley, Sherman, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood. Total 40.

Absent and not voting: Acher, Bjorneby, Bloom, Hamilton, Joffray, Kelson, McClain, Smith, Stortz, Stromnes, Trandum, Whaley. Total 12.

Passed their vote: Lippard, Longenecker, Schneider. Total 3.

House Bill No. 167 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, McKenna, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Mr. Speaker. Total 67.

Noes: Eggenberger, Green, Haugan, Heavlin, Ijams, Lovell, McLeod, Miller (Big Horn), O'Shea, Reed, Scofield, Scott, Shanley, Sherman, Wenger, Wood. Total 16.

Absent and not voting: Acher, Bjorneby, Campbell, Chatham, Holecek, Joffray, Kelson, Lehrkind, Love, McClain, Masterson, Minette, Padbury, Peterson (Pondera), Smith, Stortz, Stromnes, Trandum, Whaley. Total 19.

House Joint Resolution No. 3 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lemmer, Lippard, Longenecker, Lovell, McKenna, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 76.

Noes: None.

Absent and not voting: Acher, Anderson (Lincoln), Bjorneby, Chatham, Cruickshank, Joffray, Kelson, Lasby, Lehrkind, Levissee, Love, McClain, McLeod, Measure, Metcalf, Metlen, Minette, O'Shea, Parker, Peterson (Pondera), Shanley, Smith, Stortz, Stromnes, Trandum, Whaley. Total 26.

House Bill No. 274 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Kruse, Lehrkind, Lemmer, Lippard, Love, McKenna, Mackie, Masterson, Metcalf, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 65.

Noes: Anderson (Chouteau), Chamberlain, Cusick, Dougherty, Finnegan, Green, Hess, Johnson, Lambert, Lasby, Leeson, Longenecker, Lovell, McLeod, Measure, Miller (Roosevelt), Mungas, Peterson (Sheridan), Scofield, Shanley. Total 20.

Absent and not voting: Acher, Bjerneby, Brayman, Chatham, Holecek, Joffray, Kelson, Levissee, McClain, Manning, Metlen, Miles, Smith, Stromnes, Trandum, Whaley, Wood. Total 17.

House Bill No. 192 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, Lovell, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Vanek, Waldrop, Wenger, Mr. Speaker. Total 79.

Noes: Lambert. Total 1.

Absent and not voting: Acher, Anderson (Silver Bow), Bjerneby, Chatham, Crouse, Heavlin, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levissee, McClain, Metcalf, Scott, Smith, Stromnes, Trandum, Tyler, Whaley, Wood. Total 21.

Passed their vote: McLeod. Total 1.

House Bill No. 282 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lemmer, Longenecker, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miles, Miller (Big Horn), Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Tyler, Vanek, Waldrop, Mr. Speaker. Total 62.

Noes: Anderson (Silver Bow), Chamberlain, D'Ewart, Haight, Haugan, Kruse, Lasby, Leeson, Lippard, Lovell, Manning, Miller (Roosevelt), Mitchell, Mungas, Stimatz, Toomey, Wenger. Total 17.

Absent and not voting: Acher, Bjerneby, Chatham, Crouse, Freshman, Heavlin, Holecek, Joffray, Kelson, Lehrkind, Levissee, Love, McClain, Metcalf, Minette, Peterson (Sheridan), Sherman, Smith, Stortz, Stromnes, Trandum, Whaley, Wood. Total 23.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Johnson in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders recommend:

That House Bill No. 174 do pass.

That the enacting clause be stricken from House Bill No. 215.

That consideration of House Bills No. 285 and 266 be passed for the day.

That House Bill No. 240 do pass.

JOHNSON, Chairman.

It was moved by Johnson, duly seconded, that the House adopt the report of the Committee of the Whole. On substitute motion, it was moved by Stortz, duly seconded, that House Bill No. 215 be segregated from the report of the Committee of the Whole. A roll call was demanded, to be entered in the Journal, by the required number. A call of the House was demanded by the required number. On motion of Spiegel, further Call of the House was dispensed with. Whereupon, motion to segregate carried by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Cusick, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Haight, Hamilton, Hardcastle, Hess, Holecek, Johnson, Kruse, Lasby, Lehrkind, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Wenger, Whaley. Total 52.

Noes: Bloom, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Eggenberger, Goodwin, Green, Haugan, Hedden, Hoiness, Ijams, Jackson, Joffray, Leeson, Lemmer, Levisse, Longenecker, Love, Lovell, Manning, Metlen, Miles, Mungas, O'Connor, O'Shea, Padbury, Parker, Reed, Scofield, Toomey, Wood, Mr. Speaker. Total 36.

Absent and not voting: Acher, Heavlin, Kelson, Lambert, Lippard, McClain, Minette, Sherman, Smith, Stromnes, Trandum, Waldrop. Total 12.

Passed their vote: D'Ewart, Shanley. Total 2.

Whereupon Committee of the Whole report was adopted as amended.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

## EVENING SESSION

House resumed. Mr. Speaker in the Chair.

## REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 193, 202, 286, 300 and 305.

PETERSON of Pondera, Chairman.

Report adopted.

The Committee on Printing reported the following House Bills Nos. 403, 323, 321, 316, 372, 329, 279, 171, 335, 404, 362, 209, 80, Substitute

House Bill No. 341, House Joint Memorial No. 11 and House Joint Resolution No. 5 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration House Bill No. 296, respectfully report as follows: That House Bill No. 296 do not pass.

ACHER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 406 respectfully report as follows: That House Bill No. 406 do not pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 260, respectfully report as follows: That House Bill No. 260 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 156, respectfully report as follows: That House Bill No. 156 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 227, respectfully report as follows: That House Bill No. 227 do pass.

MANNING, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in; title and history agreed to; and bills are herewith returned to the House: House Bills Nos. 74, 77 and 98.

Also that House Bill No. 154 was this day recommended for non-concurrence by the Senate Committee on Relief and Social Welfare, but Senate Substitute for House Bill No. 154 was recommended for passage; and House Bill No. 154 is herewith returned to the House.

That the report of the Joint Conference Committee on Senate amendments to House Bill No. 29 was this day, on roll call adopted.

That the report of the Joint Conference Committee on Senate Amendments to House Bill No. 153 was this day, on roll call adopted.

That the following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bill No. 9, Substitute House Bill No. 31 and House Bill No. 142.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 153, 6, 96, 112, 124, 114, 64 and 70.

McKENNA, Chairman.

Report adopted.



The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 131 and 119.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 153, introduced by me and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 64, introduced by me and find the same to be correct.

CONNER.

I have examined enrolled House Bill No. 112 introduced by me and find the same to be correct.

FRESHMAN.

I have examined enrolled House Bill No. 96, introduced by me and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 6, introduced by me and find the same to be correct.

KRUSE.

I have examined enrolled House Bill No. 124, introduced by me and find the same to be correct.

FRESHMAN.

I have examined enrolled House Bill No. 114 introduced by me and find the same to be correct.

GOODWIN.

I have examined enrolled House Bill No. 70, introduced by me and find the same to be correct.

CUSICK.

I have examined enrolled House Bill No. 119, introduced by me and find the same to be correct.

GOODWIN.

I have examined enrolled House Bill No. 131, introduced by me and find the same to be correct.

METLEN.

The Speaker signed the following bills in Open Session: House Bills Nos. 6, 96, 112, 124, 114, 153, 64, 70, 131 and 119.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (All appropriation measures having been read at length).

House Bill No. 193 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Spiegel, Stimatz, Stortz, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Chatham, Lambert, Peterson (Pondera). Total 3.

Absent and not voting: Bower, Conner, Cusick, Hamilton, Holecek, Kelson, Leeson, McClain, Metlen, Shanley, Smith, Sorte, Stromnes, Trandum, Tyler. Total 15.

Passed their vote: McLeod.

House Bill No. 202 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Chamberlain, Cohen, Conner, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Lambert, Lemmer, Levissee, Lippard, Longenecker, McKenna, McLeod, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Spiegel, Stimatz, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Mr. Speaker. Total 65.

Noes: Bjerneby, Burns, Campbell, Chatham, Crouse, Cruickshank, Cusick, Elliott, Ijams, Joffray, Johnson, Kruse, Lehrkind, Lovell, Measure, Miller (Big Horn), O'Connor, O'Shea, Peterson (Sheridan), Stromnes, Wood. Total 21.

Absent and not voting: Green, Hamilton, Holecek, Kelson, Lasby, Leeson, Love, McClain, Metcalf, Metlen, Minette, Shanley, Smith, Sorte, Tyler, Whaley. Total 16.

House Bill No. 286 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Spiegel, Stortz, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Chatham, Stromnes, Toomey. Total 3.

Absent and not voting: Brennan, Conner, Cusick, Haight, Holecek, Joffray, Kelson, Leeson, McClain, Manning, Shanley, Smith, Sorte, Trandum, Tyler. Total 15.

Passed their vote: Stimatz. Total 1.

House Bill No. 300 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Spiegel, Stimatz, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 82.

Noes: Campbell, Chatham, Heavlin, Ijams, Miles, Miller (Big Horn), Scofield, Sherman, Stromnes, Wood. Total 10.

Absent and not voting: Brennan, Cusick, Haight, Kelson, Leeson, McClain, Manning, Smith, Sorte, Tyler. Total 10.

House Bill No. 305 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, McKenna, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Spiegel, Stimatz, Stortz, Toomey, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Anderson (Lincoln), Lovell, Manning, Miles, Miller (Big Horn), O'Connor, O'Shea, Peterson (Pondera), Scott. Total 9.

Absent and not voting: Cruickshank, Daly, Haight, Hamilton, Heavlin, Joffray, Kelson, Leeson, McClain, Mackie, Metlen, Minette, Smith, Sorte, Stromnes, Trandum, Tyler, Wenger. Total 18.

Passed their vote: Finnegan. Total 1.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders recommend:

That the enacting clause be stricken from House Bill No. 215.

That House Bill No. 234 do pass.

That House Bill No. 94 do pass.

That Substitute House Bill No. 172 do pass.

That House Bill No. 229 be amended as follows:

(Committee of the Whole—House Bill No. 229)

Amend Section 1, line 25, by adding the following sentence: "None of the provisions contained in Sections 257 to 259.5 inclusive, of the Revised Codes of Montana, 1935, shall be applicable to the provisions of this subsection", and as amended do pass.

That House Bill No. 219 be amended as follows:

(Committee of the Whole—House Bill No. 219)

Amend Section 1 by striking out in line 7 the words and figures "ten per cent (10%)" and inserting in lieu thereof the words and figures "thirty-five per cent (35%)", and as amended do pass.

That House Bill No. 343 do pass.

That House Bill No. 325 do pass.

That House Bill No. 201 do pass.

That House Bill No. 318 be amended as follows:

(Committee of the Whole—House Bill No. 318)

Amend title by striking out in line 3 of the period and quotation marks and inserting in lieu thereof the words "and for a suitable press gallery in the Hall of the House of Representatives."

(Committee of the Whole—House Bill No. 318)

Amend by inserting after Section 2 a new section as follows: "Section III. The sum of two thousand dollars (\$2,000.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated for construction and installation of a proper press gallery in the Hall of the House of Representatives, under the direction of the State Board of Examiners," and renumber the subsequent sections accordingly, and as amended do pass.

That House Bill No. 320 do pass.

That House Bill No. 213 do pass.

That House Bill No. 317 do pass.

That House Bill No. 270 do pass.

That House Bill No. 331 do pass.

That House Bill No. 159 do pass.

That House Bill No. 363 be amended as follows:

(Committee of the Whole—House Bill No. 363)

Amend Section 1 by striking out in line 1 the words "six (6)" and inserting in lieu thereof the word "eight (8)"; and in line 4 strike out the words "Thirty-six (36)" and inserting in lieu thereof the words "forty-eight (48)".

(Committee of the Whole—House Bill No. 363)

Amend Section 2 by striking out in line 3 the word "six" and inserting in lieu thereof the word "eight"; and as amended do pass.

That House Bill No. 322 do pass.

That House Bill No. 324 do pass.

That House Bill No. 312 do pass.

That House Bill No. 188 be amended as follows:

(Committee of the Whole—House Bill No. 188)

Amend the enacting clause by striking the word "Body" and inserting in lieu thereof the word "Assembly", and as amended do pass.

HAIGHT, Chairman.

It was moved by Haight, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Levisse, duly seconded that House Bill No. 159 be segregated from the report of the Committee of the Whole. A roll call vote, to be entered in the Journal was demanded by the required number and the motion lost by the following vote:

Ayes: Acher, Campbell, Chatham, Cohen, Crouse, Cruickshank, D'Ewart, Elliott, Freshman, Goodwin, Hardcastle, Haugan, Heavlin, Hoi-ness, Ijams, Jackson, Joffray, Lehrkind, Lemmer, Levisse, Love, Metlen, Miles, Minette, Mitchell, Mungas, O'Connor, Padbury, Scofield, Shanley, Stromnes, Toomey, Waldrop, Wenger, Wood. Total 35.

Noes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Chamberlain, Conner, Cusick, DeDobbeleer, Daugherty, Finnegan, Green, Haight, Hedden, Hess, Johnson, Kruse, Lambert, Lasby, Lippard, Longenecker, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Spiegel, Stimatz, Stortz, Tyler, Vanek, Whaley, Mr. Speaker. Total 53.



Absent and not voting: Anderson (Chouteau), Daly, Eggenberger, Hamilton, Holecek, Kelson, Leeson, McClain, Miller (Big Horn), O'Shea, Smith, Sorte, Trandum. Total 13.

Passed their vote: Bower. Total 1.

It was moved by Burns, duly seconded, that House Bill No. 215 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number and the motion lost by the following vote:

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Kruse, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, Manning, Metlen, Miles, Minette, Mitchell, Mungas, O'Connor, O'Shea, Padbury, Parker, Reed, Scofield, Shanley, Sherman, Stromnes, Toomey, Vanek, Waldrop, Wood, Mr. Speaker. Total 53.

Ayes: Anderson (Silver Bow), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Cusick, DeDobbeleer, Dougherty, Finnegan, Hess, Johnson, Lambert, Lasby, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Monahan, Mulholland, Nelson, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Spiegel, Stimatz, Stortz, Tyler, Wenger, Whaley. Total 37.

Absent and not voting: Alvord, Daly, Eggenberger, Holecek, Kelson, Leeson, McClain, Miller (Big Horn), Smith, Sorte, Trandum. Total 11.

Passed their vote: D'Ewart.

Whereupon motion to adopt report of the Committee of the Whole was adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M. Wednesday, February 17th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

## FORTY-FIFTH DAY

House of Representatives,  
Helena, Montana,  
February 17, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: Excused: Anderson of Lincoln, Cruickshank, Kelson, Kruse, McClain, Minette and Peterson of Sheridan.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-fourth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Select Committee, appointed by House Resolution No. 3, to investigate the State Board of Equalization, respectfully beg leave to report:

1. That we entered forthwith upon the discharge of the duties laid upon us and have continuously prosecuted the same to date, including examination of witness, inspection of records and files, scrutiny of office administration and many other matters brought to us within the scope of the investigation.

2. That our report is in course of typing and documentation and its final submission to the House depends upon the dispatch with which such work can be handled by available attaches, but we believe the same will be ready within not to exceed five days.

3. Accordingly we request that the House grant your Committee to and including the Fiftieth Legislative Day within which to present, have read and filed its report in Executive Session, but with leave to present said report before said day when prepared.

Done this 17th day of February, 1937, being the 45th Legislative Day.  
HEDDEN, Chairman.

On motion of Hedden, report of select committee adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 182, 185, 194, 264, 268 and 354.

PETERSON of Pondera, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 5 respectfully report as follows: That House Bill No. 5 do not pass.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 141 respectfully report as follows: That House Bill No. 141 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 95, respectfully report as follows: That Senate Bill No. 95 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 99 respectfully report as follows: That Senate Bill No. 99 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 226, respectfully report as follows: That House Bill No. 226 be amended as follows:

Part I. Amend Section VII, page 8, strike out lines 12 to 16 inclusive and revise this paragraph to read as follows:

“(f) Prescribe minimum standards and salary rates for Public Welfare personnel in State and County Departments, establish rules and regulations to maintain such standards, and furnish to the County Welfare Boards a list of qualified personnel who are available for appointment. Insofar as possible such personnel shall be residents of the county.”

Amend Section IX, page 9, line 15, add after the word "County" and period, the following sentence: "Provided, however, if conditions warrant and if two or more County Boards enter into an agreement, two or more counties may combine into one administrative unit and use the same staff personnel throughout the administrative unit."

Amend Section XI, page 11 (b)—Add at the end of paragraph "(b)" the following paragraph: "if the six mill levy shall prove inadequate to meet the county's proportionate share of Public Assistance under any Part of this Act and if the County Board of Commissioners is unable to declare an emergency for the purpose of providing additional funds, and if an audit by the State Examiner's office proves this condition to be true and that the County Board has expended its Poor Fund only for the purposes levied, then such proportion of its Public Assistance as the county is unable to meet shall be paid from the State Public Welfare Fund."

Strike out all of Section 12 and insert in lieu thereof Section XII. Right of Appeal. If an applicant for assistance under this Act is not acted upon by the County Department within a reasonable time after the filing of the application, or is denied in whole or in part, or if any award of assistance is modified or cancelled under any provision of this Act, the applicant or recipient may appeal to the State Department in the manner and form prescribed by the State Department. The State Department shall, upon receipt of such an appeal, give the applicant or recipient reasonable notice and opportunity for a fair hearing.

The State Department may also, upon its own motion, review any decision of a County Department, and may consider any application upon which a decision has not been made by the County Department within a reasonable time. The State Department may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provision of this Act.

In the case of the State Department reviewing a county decision on its own motion, applicants or recipients affected by such decisions of the State Department shall, upon request, be given reasonable notice and opportunity for a fair hearing by the State Department.

All decisions of the State Department shall be final and shall be binding upon the county involved and shall be complied with by the County Department."

Strike out all of Section XIII, pages 12 and 13.

Immediately after Section XV, add the following sections: Section XVI. Approval or Denial Signatures. Approved or denied applications for assistance under this Act shall be signed by the Chairman and one other member of the County Board. In the event that the State Board may require all such actions to be reviewed and receive the final approval or disapproval of the State Department, the State Board shall designate certain executive officers of the State Department who shall sign such State Department approvals or disapprovals.

Section XVII. Fraudulent Acts. Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain by means of a wilfully false statement or representation or by impersonation, or other fraudulent device, public assistance to which he is not entitled, assistance greater than that to which he is justly entitled; or whoever aids or abets in buying or in any way disposing of the property, either personal or real, of a recipient of assistance without the consent of the County Department and with the intent to defeat the purposes of this Act, shall be guilty of a misdemeanor. In assessing the penalty the court shall take into consideration, among other factors, the amount of money fraudulently received.

Section XVIII. Revocation of Assistance. If at any time the County or State Departments have reason to believe, by reason of a complaint or otherwise, that public assistance under this Act has been improperly granted, it shall cause an investigation to be made. If it appears as a result of any such investigation that the assistance was improperly granted, the State Department shall notify the County Department that no further payments shall be authorized for such recipient. The right of appeal is granted recipients whose assistance has been revoked.

Section XIX. Assistance not assignable. Assistance granted under this Act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Section XX. Method of Issuing Assistance Grants. (a) Checks in payment of Public Assistance, as provided for in each Part of this Act, with the exception of General Relief, shall be issued by the State Department upon approved lists of such eligible grantees as are forwarded by the County Department to the State Department and all such checks will be mailed to the individual recipients. The checks in payment of Public Assistance shall be issued in the full approved amount for each eligible approved grantee and the original monthly payment shall be from the State Public Welfare Accounts. All approved applicants shall receive their monthly assistance payment not later than the tenth of each month. All Public Assistance checks shall represent cash on demand at full par value to the recipient. (b) On or before the twentieth of each month the State Department will present a claim for reimbursement to each County Department for its proportionate share of Public Assistance granted in the County during the month. The County Department must make such reimbursement to the State Department within twenty days after such claim is presented.

Section XXI. Records and Reports. Each County Department shall keep such records and make such reports and in such detail as the State Department may from time to time require, and shall transmit to the State Department upon its request copies of applications and any or all other records pertaining to any case. The State Department is hereby authorized and directed to keep such records and to make such reports, in such form and containing such information, as the Federal Social Security Board may from time to time require, and comply with such provisions as the Federal Board may from time to time find necessary to assure the correctness and verification of such reports. Within sixty (60) days after the close of each calendar year, the State Department shall make a report to the Governor for the preceding year, which shall include a full account of the administration of each division of Public Assistance, the expenditure of all funds for these purposes, adequate and complete statistics concerning public assistance within the State and such other information as may be required.

Section XXII. Limitations of Act. All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing Act."

Part II. Strike out all of Sections II, XIV, XV, XVI, XVII and XIX.

Part III. Section I, page 1, after subsection (e), add the following subsection: "(f) Definition, Old Age Assistance as used in this Part means money payments to aged needy individuals."

Strike out all of Sections II, VIII, IX, XIII, XV, XVIII, XIX, XX and XXI.



Part III. Section III, add after the word "assistance" and period, line 8, page 2, the sentence "Old Age Assistance shall be granted any person who:"

Section III, page 2, line 23, after the word "assistance" strike out the comma and words "if granted" and comma.

Part III. Section VI, strike out lines 4 to 25 inclusive and "(D)" in line 26 and insert in lieu thereof "Section VI. County Share of Participation."

Section XII, page 7, line 21, put a comma instead of a period after the word Government and add the words, "if required by Federal Law."

Section XVI, page 8, line 28, start the sentence by inserting the words, "If the Federal Law shall so require," and change the capital in the word "The" to a small "t".

Part IV, Strike out all of Sections III, IX, XII, XIII, XIV, XV and XVI.

Section IV, page 3, line 18, after the word "assistance" place a semi-colon instead of a comma.

Section VIII, strike out lines 31 and 32 on page 5, lines 1 to 18 inclusive on page 6 and strike "(C)" in line 19 and insert in lieu thereof "Section VIII. County Share of Participation."

Part V. Strike out all of Sections III, IX, XIII, XVI, XVII, XIX and XX.

Section IV, page 4, line 18 after the word "assistance" strike out the comma and words "if granted" and comma.

Section IV, subsection (e) line 27, strike out the words "tax supported."

Section XII, strike out lines 16 to 32 inclusive on page 8 and line 1 on page 9 and strike "(C)" in line 2, page 9 and insert in lieu thereof "Section XII." County Share of Participation."

Section XV, page 10, strike out lines 3 and 4.

Part VI. Strike out all of Sections IV, renumber Section V as Section IV. Renumber Section VI as Section V.

Part VI. Section VI, line 9, strike out the words "Public Welfare Case" and in lieu thereof put the words "Regular staff." Strike out all of Section VII, and renumber Section VIII as Section VI.

Part VIII to be inserted as follows:

#### APPROPRIATIONS, DISPOSITION OF FUNDS AND DISBURSEMENTS.

##### Section I. Receipt of Funds.

The Treasurer of the State of Montana is hereby designated as the appropriate fiscal officer of the State to receive Federal funds. All money appropriated by the Legislature for Public Welfare purposes, all moneys received from the United States Government for Public Welfare purposes, and all money received from any other source for the purposes set forth in the Public Welfare Act shall be paid into the State Treasury and constitute a special fund to be designated as the Public Welfare Fund.

##### Section II. Source of State Appropriation.

For carrying out the duties and obligations of the State Department, for the performance of Welfare Services of the State, and for matching such Federal funds as may be available for the aforesaid Welfare Services, the Legislature shall make appropriation out of the General Fund of the State for the various and separate activities of the State Department and County Departments of Public Welfare.

### Section III. Estimate of Funds.

The total amount of funds necessary for Public Welfare purposes shall be based upon statistical figures compiled by the State Department showing the actual amount of need and the amount of funds necessary from the state and the counties.

### Section IV. Appropriations.

(a) That the sum of three million (\$3,000,000.00) Dollars be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the administrative costs and other purposes of this Act, for the year beginning March 2nd, 1937 and ending March 1st, 1938.

(b) That the sum of three million (\$3,000,000.00) Dollars be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the administrative costs and other purposes of this Act, for the year beginning March 2nd, 1938 and ending March 1st, 1939.

(c) That the appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

### Section V. Method of Disbursement.

The State Department of Public Welfare shall disburse all Public Assistance grants and costs of administration as provided for in each Part of this Act. The State Public Welfare Department shall establish (or open) a bank account or accounts, properly safeguarded under state law and rules of the State Department. Such account or accounts shall be subject to orders drawn by the State Department for the payment of assistance grants and costs of administration of the State and County Departments.

From the general appropriation for the Public Welfare Act, the State Department shall be provided with an imprest fund of seven-hundred and fifty thousand (\$750,000.00) dollars, quarterly, for which it will be responsible and liable. The imprest fund will be divided among such specific accounts as may be necessary or desirable for the State Department to establish.

As payments of grants and administrative costs are made from this imprest fund, it shall be replenished from the Public Welfare Fund by the State Treasurer, upon presentation of claims prepared by the State Welfare Department and approved by the State Board of Examiners and covered by warrants issued by the State Auditor, and the State Treasurer is hereby directed to disburse the monies appropriated by the Act upon such warrants.

### Section VI. Specific Appropriations from Public Welfare Fund.

(a) For the purpose of General Relief there is hereby appropriated from the Public Welfare Fund the sum of Seven hundred and sixteen thousand (\$716,000.00) dollars annually for the biennium ending March 1st, 1939, and such additional sums as shall be needed, which sum shall be known as the General Relief Account and which shall be earmarked for this said purpose.

(b) For the purpose of Old Age Assistance and in matching Federal funds, there is hereby appropriated from the Public Welfare Fund the sum of One million and two hundred thousand (\$1,200,000.00) dollars, annually for the biennium ending March 1st, 1939, and such additional sum as shall be needed, which sum shall be known as the Old Age Assistance Account and which shall be earmarked for this said purpose.

(c) For the purpose of Aid to Dependent Children and in matching Federal Funds, there is hereby appropriated from the Public Welfare Fund the sum of Six hundred thousand (\$600,000.00) dollars annually for the biennium ending March 1st, 1939, and such additional sum as shall be needed,

which sum shall be known as the Aid to Dependent Children Account and which shall be earmarked for this said purpose.

(d) For the purpose of Aid to Blind and in matching Federal funds there is hereby appropriated from the Public Welfare fund the sum of Twenty four thousand (\$24,000.00) dollars, annually for the biennium ending March 1st, 1939, and such additional sums as shall be needed, which sum shall be earmarked for this said purpose.

(e) For the purpose of Services to Crippled Children and in matching Federal funds, and to provide such additional state funds as may be necessary, there is appropriated hereby, from the Public Welfare Fund the sum of Thirty thousand (\$30,000.00) dollars, annually for the biennium ending March 1st, 1939, to be earmarked as the Crippled Children Account.

(f) For the purpose of Child Welfare Services and in matching Federal funds and to provide such additional state funds as may be necessary, there is hereby appropriated from the Public Welfare Fund the sum of Thirty thousand (\$30,000.00) dollars, annually for the biennium ending March 1st, 1939, to be earmarked as the Child Welfare Services Account.

#### Section VII. Transfer of Funds from Specific Accounts.

It is hereby provided that such sum of any specific Account as shall not be needed for the purpose for which the Account is earmarked may be transferred back to the Public Welfare Fund and used in such other forms of Public Assistance as may be needed and necessary and as the State Board of Public Welfare may determine.

And as amended do pass.

MANNING, Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

WHEREAS, Colonel Erastus H. Williams enlisted as a Private in the 2nd Montana, now the 163d Infantry on the 30th day of May, 1901, and served as a Private, Corporal, Sergeant, Captain, Lieutenant Colonel and Colonel from said date of enlistment to February 13th, 1937, the date of his death, with only a slight intermission pending reorganization following the mustering out of the regiment at the end of the World War; and

WHEREAS, while on active duty, as above stated, he distinguished himself as an enlisted man as shown by his steady promotion and as an officer as shown by his consistent advancement in rank, and as an officer he universally commanded the respect, admiration and loyalty of all his comrades who served with and under his command, and at all times had their complete devotion; and

WHEREAS, as a representative soldier of the great State of Montana he was a leader that gained recognition and respect from his superiors and brought dignity and honor thereby upon the State government of Montana and upon its people; and

WHEREAS, as Adjutant General of the State of Montana, Colonel Williams' disciplined mind kept duty and loyalty as the foreword—while in office if duty indicated he worked evenings, holidays, and during the earthquake emergency in the City of Helena labored three days and nights without thought of personal discomfort and without rest to relieve those who were suffering, in establishing a refugee camp at Fort Harrison, and became seriously ill from exposure—having in mind at all times the welfare of those whom he considered his duty to protect and without thought of personal sacrifices; and

WHEREAS, we feel that the official life of Colonel Williams is one which should be commended as symbolizing a true patriot and public officer;



BE IT RESOLVED: By the House of Representatives and the Senate of the State of Montana that we, and we do hereby, express to his relatives and friends our deepest sympathy in their bereavement, and we, by these presents, acknowledge the severe loss to the State of Montana and to the United States of this valiant soldier and State officer; and

BE IT FURTHER RESOLVED: That copies of this resolution be given to the Press and to his family.

BRAYMAN, Chairman,  
HAMILTON,  
METLEN.

It was moved by Metlen, duly seconded, and carried that the above resolution be adopted.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 182 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Heavlin, Hess, Hoiness, Ijams, Jackson, Johnson, Leeson, Lemmer, Lippard, Longenecker, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Stromnes, Toomey, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 73.

Noes: Lambert, Lasby. Total 2.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Chamberlain, Cruickshank, Hardcastle, Haugan, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levissee, Love, Lovell, McClain, McLeod, Metlen, Minette, Peterson (Sheridan), Smith, Sorte, Stortz, Trandum, Waldrop, Whaley. Total 27.

House Bill No. 185 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 71.

Noes: Lasby, O'Connor, O'Shea, Stromnes. Total 4.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Campbell, Chatham, Cruickshank, Eggenberger, Elliott, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Lovell, McClain, Manning, Minette, Mitchell, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Trandum, Waldrop, Whaley. Total 27.

House Bill No. 194 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bloom, Bower, Brayman, Chamberlain, Cohen, Conner, Crouse, Cusick,



DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 74.

Noes: Lambert. Total 1.

Absent and not voting: Anderson (Phillips), Anderson (Lincoln), Bjerneby, Brennan, Burns, Campbell, Chatham, Cruickshank, Daly, Elliott, Heavlin, Joffray, Kelson, Kruse, Lehrkind, Lovell, McClain, Masterson, Metlen, Minette, Peterson (Pondera), Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Whaley. Total 27.

House Bill No. 264 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bloom, Bower, Brayman, Burns, Campbell, Cohen, Conner, Crouse, Cusick, Daly, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Haugan, Hedden, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Levissee, McKenna, McLeod, Mackie, Manning, Measure, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Scott, Shanley, Spiegel, Stortz, Wenger, Mr. Speaker. Total 50.

Noes: Anderson (Chouteau), Anderson (Phillips), Chamberlain, DeDobbeleer, D'Ewart, Hess, Hoiness, Holecek, Leeson, Lippard, Love, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, O'Shea, Ruffcorn, Scofield, Sherman, Sorte, Stimatz, Tyler. Total 23.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Chatham, Cruickshank, Dougherty, Hardcastle, Heavlin, Joffray, Kelson, Kruse, Lehrkind, Lovell, McClain, Masterson, Metlen, Minette, Peterson (Pondera), Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Vanek, Whaley. Total 25.

Passed their vote: Longenecker, Schneider, Waldrop, Wood. Total 4.

House Bill No. 268 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Campbell, Chatham, Conner, Crouse, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Jackson, Joffray, Johnson, Leeson, Lemmer, Levissee, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 65.

Noes: Chamberlain, Daly, Hedden, Ijams, Lambert, Lasby, Longenecker, Phelan, Wood. Total 9.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Cohen, Cruickshank, DeDobbeleer, Heavlin, Holecek, Kelson, Kruse, Lehrkind, Lovell, McClain, Masterson, Metlen, Miles, Minette, Monahan, Padbury, Peterson (Sheridan), Smith, Toomey, Trandum, Whaley. Total 24.

Passed their vote: Anderson (Chouteau), Lippard, Love, Scofield. Total 4.

House Bill No. 354 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Crouse,

Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hedden, Hess, Hoiness, Holecek, Johnson, Lambert, Lasby, Lemmer, Levissee, Longenecker, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Vanek, Wenger, Whaley, Mr. Speaker. Total 65.

Noes: Anderson (Chouteau), Conner, Jackson, Leeson, Lippard, Love, Miles, Miller (Big Horn), Sherman, Wood. Total 10.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Chatham, Cruickshank, Eggenberger, Hardcastle, Heavlin, Joffray, Kelson, Kruse, Lehrkind, Lovell, McClain, Metlen, Minette, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Tyler. Total 24.

Passed their vote: Haugan, Ijams, Waldrop. Total 3.

House Joint Memorial No. 5 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Chamberlain, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Haugan, Hedden, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Holecek, Mungas. Total 2.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Campbell, Chatham, Cohen, Cruickshank, Eggenberger, Hardcastle, Heavlin, Hoiness, Joffray, Kelson, Kruse, Lehrkind, Levissee, Lovell, McClain, Metlen, O'Connor, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 25.

House Joint Memorial No. 6 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Stimatz. Total 1.

Absent and not voting: Anderson (Lincoln), Bjerneby, Bloom, Campbell, Chatham, Cohen, Cruickshank, Elliott, Haight, Hamilton, Kelson, Kruse, Lehrkind, Lovell, McClain, Metlen, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 22.

The Speaker signed in Open Session Senate Bill No. 71.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 283, 225, 231, 244, 287, 370, 262, 395, 86, 384, 210, 380, 374, 377 and Substitute House Bills Nos. 155 and 211.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 158 respectfully report as follows: That House Bill No. 158 be amended as follows: in the printed bill.

1. Amend Section 1, line 22, of the printed bill after the words "Oil Companies", by inserting the words "provided that wholesale deliveries made to farmers and to contractors shall be exempted when delivered to farmer and contractor consumers."

2. Amend Section 3, line 6, by adding after the word "certificate", "provided that all carriers coming under class D shall not have to prove convenience and necessity and that all such carriers now operating under the conditions which will classify them under class D shall automatically be granted a certificate upon proper written application to the board and that no hearing shall be held in such cases."

3. Amend Section 5, line 5, after the word "the" by striking out the words "Public Service Commission" and inserting in lieu thereof the words "Board of Railroad Commissioners."

4. Amend Section 5, line 7, after the word "the" by striking out the words "Public Service Commission" and inserting in lieu thereof the words "Board of Railroad Commissioners."

5. Amend Section 5, line 9, by striking out the words "one per cent" and inserting in lieu thereof the figures "(\$15.00)".

6. Amend Section 5, line 12, by adding after the word "class" the letters "C & D".

7. Amend Section 6, line 7, by inserting after the word "carrier" the words "and said plates shall remain the property of the State of Montana and", and as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 230 respectfully report as follows: That House Bill No. 230 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Conservation of Resources, having had under consideration House Bill No. 197, respectfully report as follows: That House Bill No. 197 be reported out without recommendation.

CHATHAM, Chairman.

It was moved by Chatham, duly seconded, that the report of Committee on House Bill No. 197 be adopted. On Substitute motion, it was moved by Elliott, duly seconded and carried, that House Bill No. 197 be printed and placed on General Orders.

Mr. Speaker: We your Committee on Conservation of Resources, having had under consideration House Bill No. 330, respectfully report as follows: That House Bill No. 330 do pass.

CHATHAM, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 228 respectfully report as follows: That House Bill No. 228 do pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 391 respectfully report as follows: That House Bill No. 391 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 396 respectfully report as follows: That House Bill No. 396 be printed and placed on General Orders.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 122 respectfully report as follows: That House Bill No. 122 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 123 respectfully report as follows: That House Bill No. 123 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 249 respectfully report as follows: That House Bill No. 249 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration, House Bill No. 355, respectfully report as follows: That House Bill No. 355 be referred to the Appropriations Committee.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 103, respectfully report as follows: That House Bill No. 103 do not pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 212 respectfully report as follows: That House Bill No. 212 be amended as follows:

In subsection 1, of Section 1, after the word "vehicles" put "busses", and insert "sixty (60)" in lieu of "fifty-five (55)".

After the word "to" in subsection (1), add the words "and including."

In subsection (2) after the word "of" add the words "more than."



And strike the words "forty" and insert in lieu thereof the word "fifty", and as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 235, respectfully report as follows: That House Bill No. 235 be amended as follows:

In Section 6, line 30, after the words "Highway Patrol" insert the words "or nearest sheriff's office and sheriff's office is to report to the Montana Highway Commission every ten (10) days."

Section 1, line 18, subsection (c) strike out the words "Highway Patrol Board" and insert in lieu thereof the words "Montana Highway Commission."

Section 6, line 31, strike out the words "highway patrol board" and insert in lieu thereof the words "Montana Highway Commission."

Section 8, subsection (a) and subsection (b), strike out the words "Highway Patrol Board" and insert in lieu thereof the words "Montana Highway Commission."

Section 10, line 26, strike out the words "Highway Patrol Board" and insert in lieu thereof the words "Montana Highway Commission."

Section 11, line 4, strike out the words "Highway Patrol Board" and insert in lieu thereof the words "Montana Highway Commission," and as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 278 respectfully report as follows: That House Bill No. 278 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 367 respectfully report as follows: That House Bill No. 367 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Joint Memorial No. 12, respectfully report as follows: That House Joint Memorial do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 257 respectfully report as follows: That House Bill No. 257 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 277 respectfully report as follows: That House Bill No. 277 do not pass.

O'SHEA, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 324, 322, 270, 312, 159, 174, 320, 317

and 240 and Substitute House Bill No. 172.

PETERSON of Pondera, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 201, 213, 325, 331, 343.

PETERSON of Pondera, Chairman.

Report adopted.

Mr. Speaker: We, your Majority Committee on Dairying, having had under consideration House Bill No. 170, respectfully report as follows: That House Bill No. 170 be amended as follows:

"Section 2639.9. All dealers in any market designated by the board shall keep such records and make such reports as the board shall direct. The board shall collect from each dealer an annual license fee of not to exceed ten dollars (\$10.00) for each dealer subdivision as defined above. The Board shall assess each distributor and/or producer-distributor one cent (1c) per hundred weight on all fluid milk sold by said distributor and/or producer-distributor. Which amount shall be collected at such time and in such manner as shall be designated by the Board and said assessment shall be used only as it becomes necessary to defray the expenses of the Board. Any producer selling to a distributor shall bear one-half ( $\frac{1}{2}$ ) pro rata of said sum. All moneys received by the Board shall be deposited with the State Treasurer, and all such receipts are hereby appropriated for the purpose of this Act.

Provided that on and after January 1, 1938 the above provisions of section 2639.9 shall cease to be of force and effect and shall be superseded by the following like numbered paragraph which shall thereupon become of full force and effect, to wit, namely:

Section 2639.9. All dealers in any market designated by the board shall keep such records and make such reports as the board shall direct. The board shall collect from each dealer an annual license fee of \$1.00 and an additional license fee of \$1.00 for each additional dealer subdivision under which such dealer may be doing business. The Board shall assess each distributor or producer-distributor at the rate of 12½ cents per quarter, for each gallon of daily average fluid milk sold during the preceding three months, which amounts shall be collected at such time and in such manner as shall be designated by the Board. Any producer selling to a distributor shall bear one-half pro rata of the assessed sum. All moneys received by the Board shall be deposited with the State Treasurer, and all such receipts are hereby appropriated for the purposes of this Act.

All installments due as above shall be considered delinquent if not paid by the tenth day of the month in which due, and such delinquency shall be sufficient cause for the board to cancel the license of such delinquent dealer," and as amended do pass.

O'SHEA,  
ELLIOTT,  
PARKER,  
CUSICK,  
LEMMER,  
COHEN,  
PETERSON of Sheridan.

Mr. Speaker: We, your Minority Committee on Dairying, having had under consideration House Bill No. 170 respectfully report as follows: That House Bill No. 170 do not pass.

EGGENBERGER,  
HESS,  
METCALF,  
CONNER,  
McKENNA,  
VANEK.

It was moved by O'Shea, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Metcalf, duly seconded, that the report of the minority be adopted. After considerable discussion, the previous question was moved by Spiegel, seconded and carried. Substitute motion by Metcalf was put and lost. Whereupon motion by O'Shea carried.

Mr. Speaker: We, your Committee on Fish and Game having had under consideration House Bill No. 383 respectfully report as follows: That House Bill No. 383 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game having had under consideration House Bill No. 373 respectfully report as follows: That House Bill No. 373 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game having had under consideration House Bill No. 393 respectfully report as follows: That House Bill No. 393 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 196 respectfully report as follows: That House Bill No. 196 be amended as follows:

1. Strike out all of line 5, after the word "club" in section 2, of page 2, of the original bill and all of line 6 and 7 and insert in lieu thereof the following: "means a National Fraternal Organization, except college fraternities, or an association of individuals organized for social purposes and not for profit, with a permanent membership and an existence of two years prior to making application for license with permanent quarters or rooms."

2. Strike out all of lines 10 to 21 both inclusive, of Section 4, of page 3, of the original bill and insert in lieu thereof the following: "For each license in cities with a population of ten thousand (10,000) or more and within a distance of five (5) miles thereof, outside of an incorporated city or town, Six Hundred Dollars (\$600.00) per annum. For each license in cities with a population of more than five thousand (5,000) and less than ten thousand (10,000) and within a distance of five (5) miles thereof, outside of an incorporated city or town, Four Hundred Fifty Dollars (\$450.00) per annum. For each license in cities with a population of more than two thousand (2,000) and less than five thousand (5,000), Three Hundred Dollars (\$300.00) per annum. For each license in cities, towns and unincorporated villages and towns, with a population of less than two thousand (2,000), Two Hundred Dollars (\$200.00) per annum. Fraternal organizations One Hundred Dollars (\$100.00) per annum."

3. In line 7, of Section 29, page 12, of the original bill and after the word "commissioners" strike out the following words: "of any unincorporated town or."

4. Strike out all of Section 37, on Page 14 of the original bill and renumber all succeeding sections, and as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 310 respectfully report as follows: That House Bill No. 310 do not pass.

SHANLEY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 309 respectfully report as follows: That House Bill No. 309 do not pass.

SHANLEY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 238 respectfully report as follows: That House Bill No. 238 be amended as follows:

Strike the words "can be" in line 32-33 and insert the words "is being."

And insert after the word "property" in line 34, "in commercial quantities.", and as amended do pass.

Your Committee withdraws amendments made on February 12.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 293 respectfully report as follows: That House Bill No. 293 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 258 respectfully report as follows: That House Bill No. 258 do not pass.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 291 respectfully report as follows: That House Bill No. 291 do not pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report be adopted. On substitute motion, it was moved by Anderson of Phillips, duly seconded and carried, that House Bill No. 291 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 390 respectfully report as follows: That House Bill No. 390 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration Senate Joint Resolution No. 6, respectfully report as follows: That Senate Joint Resolution No. 6 be amended as follows:

That line beginning on last page "Resolved, that the sum of Ten Thousand Dollars (\$10,000) or so much, etc.," should read: "Resolved, that the sum of Five Thousand Dollars (\$5,000) or so much, etc.," be inserted therein, and as amended do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Majority of Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 340 respectfully report as follows: That House Bill No. 340 be amended as follows:

By inserting in line 3 of the title, after the word "Act" a semi-colon and the words "relating to the alcoholic content of beer" and a comma following the word "beer".



By striking out in line 12, after the word "character" the word "of" and all of lines 13 and 14, and inserting in lieu thereof a period, and the sentence "The maximum alcoholic content of beer of any kind or character shall not exceed four per cent (4%) of alcohol by weight." And as amended do pass.

CAMPBELL, Chairman,  
CHATHAM,  
ANDERSON of Chouteau,  
SHERMAN,  
REED,  
WENGER,  
MITCHELL.

Mr. Speaker: We, the Minority of your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 340 respectfully report as follows: That House Bill No. 340 do not pass.

STIMATZ,  
WOOD,  
JOHNSON,  
PETERSON of Pondera,  
SCHNEIDER.

It was moved by Campbell, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Johnson, duly seconded, that the report of the Minority be adopted. After considerable discussion, the previous question was moved by Spiegel, duly seconded and carried. Substitute motion by Johnson was put and lost. Whereupon motion by Campbell carried.

Mr. Speaker: We, a Majority of your Committee on Education, having had under consideration House Bill No. 338, respectfully report as follows: That House Bill No. 338 do pass.

LAMBERT,  
SCHNEIDER,  
ALVORD,  
JACKSON,  
MASTERSON,  
GOODWIN,  
HAMILTON.

Mr. Speaker: We, a Minority of your Committee on Education, having had under consideration House Bill No. 338, respectfully report as follows: That House Bill No. 338 do not pass.

HAIGHT,  
O'CONNOR,  
LIPPARD.

It was moved by Lambart, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Haight, duly seconded, that the report of the Minority be adopted. After considerable discussion, the previous question was moved by Stimatz, duly seconded and carried. Whereupon the motion to adopt the Majority report was carried.

### MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that consideration of House Bill No. 301 be passed for the day.

It was moved by Burns, duly seconded that the House reconsider its action on House Joint Memorial No. 12. After considerable discussion, the previous question was moved by Spiegel, duly seconded and carried. A roll call was demanded by the required number and the motion lost by the following vote: Ayes: 34, Noes: 44, Absent and not voting: 24.

It was moved by Spiegel, duly seconded and carried, that the House give permission for the use of the House Chambers by Station KGIR to broadcast a talk by United States Senator B. K. Wheeler on the President's plan on the Supreme Court and that the Senate be invited to sit in on Friday evening, February 19th, 1937, between 8:00 and 8:30 P. M.

A point of order was raised by Hedden under House Joint Rule No. 8 that House Bill No. 382 contained the same title as House Bill No. 78 which had been defeated in the Senate and thereupon the Speaker ruled that House Bill No. 382 was not legally before the House.

### INTRODUCTION OF BILLS

The following appropriation bills were introduced by unanimous consent without previous notice, read first and second time at length and referred to the Committee on Appropriations:

House Bill No. 408, introduced by Appropriation Committee: A Bill for an Act entitled: "An Act to appropriate money for the payment of a deficiency claim of Sam H. Treloar for services rendered by him as Director and Instructor of the Montana State Prison Band at Deer Lodge, Montana, for the period beginning July 1, 1934, and ending June 30, 1935."

House Bill No. 409, introduced by Appropriation Committee: A Bill for an Act entitled: "An Act to appropriate money for the payment of certain claims arising out of the construction, furnishing and equipping of a Hospital building and dormitory at the State Tuberculosis sanitarium, Galen, Montana, and for the payment of said certain claims providing an additional request for grant is not allowed by the United States Government."

House Bill No. 410, introduced by Appropriation Committee: A Bill for an Act entitled: "An Act authorizing the State Board of Examiners to acquire title in the name of the State of Montana to certain lots or parcels of land adjacent to the Grounds of the Capitol Building by purchase, donation, transfer or condemnation and to negotiate with the County Commissioners of Lewis and Clark County for deeds to lots acquired by the County for delinquent taxes and appropriating money for the purpose of carrying out the provisions of this Act."

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Heavlin in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That consideration of House Bill No. 245 be passed for the day.

That Substitute House Bill No. 149 be amended as follows:

Amend Section 1 by striking out in line 25 after the word "Game" the words "Warden shall in his" and inserting in lieu thereof the words "Commission shall, in their".

And amend in line 28 after the word "giving" by striking out the word and figure "Five (5)" and inserting in lieu thereof the word and figure "ten (10)".

And as amended do pass.

That House Bill No. 298 be amended as follows:

Amend Section 4 by striking out in line 1 the words "ten or more" and inserting in lieu thereof the words "forty percent or more of the";

(Committee of the Whole—House Bill No. 298.)

Amend Section 7, line 15 by striking out the following words "shall have the force and effect of law in the said district and"

And as amended do pass.

That House Bill No. 285 do pass.

That House Bill No. 266 do pass.

That House Bill No. 403 do pass.

That House Bill No. 323 do pass.

That House Bill No. 316 do pass.

That House Bill No. 372 do pass.

That House Bill No. 329 do pass.

That House Bill No. 279 be amended as follows:

Amend Section 1 by striking out in line 7 after the word "fire" the words "At the Close of each appropriation year" and inserting in lieu thereof the words "After filing reports of each fire," and amend in line 6 by striking out the words "to his satisfaction."

And as amended do pass.

That consideration of House Bill No. 171 be passed for the day.

HEAVLIN, Chairman.

Report adopted.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Heavlin in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That the enacting clause be stricken from House Bill No. 335.

That House Bill No. 404 do pass.

That House Bill No. 362 be amended as follows:

Amend the title in line 26 of the title by inserting after the word "owner" the words "or executive".

(Committee of the Whole—House Bill No. 362)

Amend Section 1 in line 17 after the word "owner" the words "or Executive".

(Committee of the Whole—House Bill No. 362)

Amend title in line 17 after the word "bookbinding" by inserting the words "News Writers;"

Amend Section 1 in line 11 by inserting the words "News Writers;" after the word "bookbinding;"

And as amended do pass.

That House Bill No. 209 do pass.

HEAVLIN, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried that the House adjourn until 9:30 A. M. Thursday, February 18th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FORTY-SIXTH DAY

House of Representatives,  
Helena, Montana,  
February 18, 1937.

House convened, pursuant to adjournment, at 9:30 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Kelson, McClain, Peterson (Sheridan) and Smith.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-fifth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 288, 218, 205, 364, 358, 347, 375, 252 and 361.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 246 and 234.

PETERSON (Pondera), Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: Substitute House Bill No. 28 and House Bills Nos. 145, 179 and 180.

Substitute House Bill No. 10 was this day, on motion, taken from General File and re-referred to the Committee on Fairs and Expositions.

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 181, 195 and 255.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith transmitted to the House for concurrence in the Senate amendments: House Bills Nos. 89 and 216.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 135, 136 and 137.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

The Governor this day advised the House that he had approved the following measures: House Bills Nos. 37, 153, 112 and 124.

Mr. Speaker: We, your Committee on Enrolling, report the following bills correctly enrolled: House Bills Nos. 77, 98 and 74.

McKENNA, Chairman.

Report adopted.



I have examined enrolled House Bill No. 74, introduced by me, and find the same to be correct.

SHANLEY.

I have examined enrolled House Bill No. 98, introduced by me, and find the same to be correct.

BRENNAN.

I have examined enrolled House Bill No. 77, introduced by me, and find the same to be correct.

BRENNAN.

The Speaker signed the following in Open Session: House Bills Nos. 77, 98 and 74.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 303, respectfully report as follows: That House Bill No. 303 be amended as follows:

In Line 11 of the original bill by adding after the word "person" the words "or his employee or agent";

In Lines 16 and 17 by striking out the words "or who shall raise, lower or otherwise disturb any headgate or other appurtenance of any ditch or canal;"

In Lines 24 to 30 by striking out the words "Provided, however, that this Act shall not apply to any person employed by the owner or owners of any ditch or canal to admeasure and distribute the waters of such ditch or canal, from raising, lowering or otherwise regulating headgates and other appliances lying below the headgate and measuring devices at the point of diversion of such ditch or canal."

And as amended do pass.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 344, respectfully report as follows: That House Bill No. 344 be amended as follows:

In Section 3, sub-section (d) line 18, after the word "each" and before the word "individual" insert the word "unemployed".

In Section 3, sub-section (b) line 22, after the word "either" strike the figures "\$7.00" and insert in lieu thereof the figures "\$10.00".

In Section 4, sub-section (b), in line 5, by striking out the word "benefit" and inserting in lieu thereof, the word "benefits".

In Section 5, sub-section (d), line 16, by striking out the word "be" and inserting in lieu thereof, the word "the".

In Section 12, sub-section (a), line 20, by inserting after the word "which" and before the word "shall", the word "division".

In Section 12, sub-section (a), line 29, by striking out the period and the words "The commission" and inserting in lieu thereof, the word "who".

In Section 12, sub-section (a), line 7, page 25, by striking out the word "commission" and inserting in lieu thereof, the words "Montana State Employment Service."

In Section 12, sub-section (b), line 21, page 25, by striking out the word "commission" and inserting in lieu thereof, the words "Montana State Employment Service."

In Section 13, sub-section (a), by inserting, after the word "treasury", and before the word "The", in line 16, the following sentence "Any balance in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this Act."

In Section 13, sub-section (b), in line 1, by striking out the words and figures "the sum of \$26,042.56" and inserting in lieu thereof, the words "on July 1, 1937, and annually thereafter on the first day of July, the sum of \$13,021.28."

In Section 19, sub-section 6, after clause H, in line 3, by re-lettering the following clauses in their alphabetical order.

And as amended do pass.

STORTZ, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Ruffcorn, duly seconded and carried, that consideration of House Bill No. 370 be passed for the day.

### INTRODUCTIONS OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 135, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to make uniform the law on close pursuit and authorizing this State to cooperate with other states therein." Referred to the Committee on Judiciary.

Senate Bill No. 136, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to secure the attendance of witnesses from without the state in criminal proceedings." Referred to the Committee on Judiciary.

Senate Bill No. 137, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act providing that the State of Montana may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole." Referred to the Committee on Judiciary.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 240 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Love, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Vanek, Wenger, Mr. Speaker. Total 67.

Noes: Anderson (Chouteau), Chamberlain, Daly, Lambert, Lasby, Longenecker, Miles, Peterson (Pondera), Wood. Total 9.

Absent and not voting: Bjorneby, Brennan, Campbell, Hamilton, Joffray, Kelson, Lippard, Lovell, McClain, McKenna, McLeod, Metlen, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Reed, Schneider, Smith, Stromnes, Toomey, Trandum, Tyler, Waldrop, Whaley. Total 26.

House Bill No. 317 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Vanek, Wenger, Wood, Mr. Speaker. Total 77.

Noes: None.

Absent and not voting: Bjorneby, Brayman, Campbell, Finnegan, Hamilton, Kelson, Lovell, McClain, McKenna, McLeod, Metlen, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Reed, Smith, Sorte, Stromnes, Toomey, Trandum, Tyler, Waldrop, Whaley. Total 25.

House Bill No. 320 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Longenecker, Mackie, Manning, Masterson, Measure, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Wenger. Total 64.

Noes: Haight, Lippard, Metcalf, Miles, Miller (Big Horn), Mungas, O'Shea, Schneider, Scofield, Stromnes, Wood, Mr. Speaker. Total 12.

Absent and not voting: Bjorneby, Campbell, Chamberlain, Cusick, D'Ewart, Haugan, Holecek, Kelson, Love, Lovell, McClain, McKenna, McLeod, Metlen, O'Connor, Padbury, Peterson (Sheridan), Reed, Smith, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Whaley. Total 26.

The following were excused to confer with the Governor: Lovell and Cusick.

House Bill No. 159 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, DeDobbeleer, Dougherty, Finnegan, Green, Haight, Hamilton, Hess, Hoiness, Holecek, Johnson, Kruse, Lambert, Lasby, Leeson, Lippard, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Wenger, Mr. Speaker. Total 51.

Noes: Bloom, Chatham, Cohen, D'Ewart, Elliott, Freshman, Goodwin, Hardcastle, Haugan, Heavlin, Hedden, Ijams, Jackson, Lehrkind, Lemmer, Levisee, Longenecker, Miles, Miller (Big Horn), Minette, Mungas, O'Shea, Scofield, Shanley, Stromnes, Wood. Total 26.

Absent and not voting: Bower, Campbell, Cusick, Daly, Eggenberger, Joffray, Kelson, Love, Lovell, McClain, McKenna, McLeod, Metlen, Mitchell, O'Connor, Padbury, Peterson (Sheridan), Reed, Smith, Toomey, Trandum, Tyler, Vanek, Waldrop, Whaley. Total 25.

House Bill No. 312 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Hamilton, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, Mackie, Manning, Masterson, Measure, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Vanek, Wenger, Mr. Speaker. Total 58.

Noes: Anderson (Silver Bow), Bloom, Crouse, Freshman, Green, Haight, Hardcastle, Haugan, Kruse, Lambert, Levissee, Lippard, Love, Metcalf, Miles, Miller (Big Horn), Mungas, O'Shea, Parker, Scofield, Stromnes, Waldrop, Wood. Total 23.

Absent and not voting: Acher, Bjorneby, Bower, Burns, Cusick, Eggenberger, Joffray, Kelson, McClain, McKenna, McLeod, Metlen, Minette, O'Connor, Padbury, Peterson (Sheridan), Smith, Toomey, Trandum, Tyler, Whaley. Total 21.

House Bill No. 270 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Brayman, Burns, Chamberlain, Chatham, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Hess, Holecek, Joffray, Johnson, Lambert, Lippard, McKenna, Manning, Masterson, Measure, Metcalf, Miller (Big Horn), Minette, Monahan, Mungas, Nelson, Parker, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Spiegel, Stimatz, Stortz, Vanek, Wenger, Wood. Total 47.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Bloom, Campbell, Cohen, Conner, Crouse, Cruickshank, Goodwin, Heavlin, Hedden, Hoiness, Ijams, Jackson, Kruse, Lasby, Leeson, Lehrkind, Levissee, Longenecker, Love, Lovell, Miles, Miller (Roosevelt), Mitchell, Mulholland, O'Shea, Peterson (Pondera), Phelan, Scott, Sorte, Stromnes, Waldrop, Mr. Speaker. Total 34.

Absent and not voting: Bjorneby, Bower, Brennan, Cusick, Eggenberger, Kelson, Lemmer, McClain, McLeod, Mackie, Metlen, O'Connor, Padbury, Peterson (Sheridan), Smith, Toomey, Trandum, Tyler, Whaley. Total 19.

Passed their vote: D'Ewart, Haugan. Total 2.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 245 be amended as follows:

Amend title by inserting after the word "the" at the end of line 1 thereof the word "full", and by striking out at the end of line 2 and the beginning of line 3, the words "or as a pension".



Amend Section 1 by striking out in lines 1 and 2 after the word "of" the following: "Three Thousand One Hundred Twenty Dollars (\$3,120.00) or so much thereof as may be necessary," and inserting in lieu thereof the following: "Six Thousand Five Hundred Sixty Dollars (\$6,560.00)" and amend in line 4 after the word "compensation" by striking out the words "or as a pension".

Amend by striking out all of Sections 2 and 3 and inserting in lieu thereof the following: "Section 2. The money herein appropriated by the provision of this Act shall not be paid to the said Andy Briscoe until the said Andy Briscoe shall have filed with the State Board of Examiners of the State of Montana a full and complete release, satisfaction and discharge of the said claim, and of all further claims he has or might have against the State of Montana for such injuries, said release to be approved by the Attorney General of the State of Montana. Upon the filing of such release, satisfaction and discharge, approved as herein provided with the State Board of Examiners, the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer payable to Andy Briscoe in the sum of Six Thousand Five Hundred Sixty Dollars (\$6,560.00) as full and complete settlement, satisfaction and discharge of his said claim for said injuries, it being intended hereby that this appropriation shall operate as a full and complete settlement of said claim, notwithstanding the provisions of Section 1376 of the Revised Codes of Montana, 1935." And renumber Section 4 to read "Section 3."

And as amended do pass.

That the enacting clause be stricken from House Bill No. 171.

That House Bill No. 80 be amended as follows:

Amend Section 1 by striking out in line 23 the words and figures "Ten Dollars (\$10.00)" and inserting in lieu thereof the words and figures "Five Dollars (\$5.00)"

Amend by adding a new sub-section after sub-section 12 in Section 1 as follows: "Thirteenth. Any co-operative association or corporation engaged exclusively in the business of conducting the business of operating a rural electrification system or systems for the transmission or distribution of electric energy on a co-operative basis or any business incidental thereto." and renumbering sub-section Thirteenth in the bill "Fourteenth."

And as amended do pass.

That Substitute House Bill No. 211 be amended as follows: Amend Section 40 by striking out in line 1 "the first day of July, 1937." and inserting in lieu thereof the words "its passage and approval." And as amended do pass.

That Substitute House Bill No. 341 do pass.

KRUSE, Chairman.

Report adopted.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 174 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hess, Holecek, Ijams, Lambert, Lasby, Leeson, Lehr-

kind, Lemmer, Levissee, Lippard, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 72.

Noes: Anderson (Phillips), Green, Haight, Haugan, Hedden, Hoiness, Jackson, Johnson, Kruse, Longenecker, Love, Miller (Big Horn), Scofield. Total 13.

Absent and not voting: Acher, Bower, Brayman, Campbell, Cusick, Joffray, Kelson, Lovell, McClain, Manning, Minette, Padbury, Peterson (Sheridan), Smith, Stromnes, Toomey. Total 16.

Passed their vote: Wood. Total 1.

House Bill No. 322 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Brennan, Burns, Campbell, Chamberlain, Cohen, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, McKenna, Mackie, Masterson, Measure, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Wenger, Hardcastle, Mr. Speaker. Total 60.

Noes: Anderson (Phillips), Haight, Kruse, Lippard, Love, McLeod, Metcalf, Mungas, O'Connor, O'Shea, Schneider, Stimatz, Vanek, Waldrop, Wood. Total 15.

Absent and not voting: Bjorneby, Bower, Brayman, Chatham, Conner, Crouse, Cusick, Hamilton, Heavlin, Kelson, Longenecker, Lovell, McClain, Manning, Metlen, Miles, Miller (Big Horn), Minette, Padbury, Parker, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Tyler, Whaley. Total 27.

House Bill No. 324 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Brennan, Burns, Campbell, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Goodwin, Green, Hamilton, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, McKenna, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, O'Connor, O'Shea, Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Sorte, Stortz, Tyler, Wenger, Whaley. Total 57.

Noes: Cohen, Freshman, Haight, Hardcastle, Haugan, Heavlin, Lippard, McLeod, Metcalf, Miller (Big Horn), Mitchell, Parker, Spiegel, Stimatz, Vanek, Wood, Mr. Speaker. Total 17.

Absent and not voting: Anderson (Silver Bow), Bjorneby, Bloom, Bower, Brayman, Chatham, Cusick, Dougherty, Holecek, Jackson, Kelson, Levissee, Lovell, McClain, Manning, Metlen, Minette, Mulholland, Padbury, Peterson (Pondera), Peterson (Sheridan), Schneider, Scott, Smith, Stromnes, Toomey, Trandum, Waldrop. Total 28.

House Bill No. 172 failed to pass by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brennan, Burns, Chamberlain, Elliott, Johnson, Lambert, McKenna, McLeod, Stortz. Total 14.

Noes: Acher, Alvord, Bloom, Campbell, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin,

Green, Haight, Hamilton, Hardecastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Joffray, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, Mackie, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mulholland, Mungas, Nelson, O'Connor, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Stimatz, Stromnes, Vanek, Wenger, Whaley, Wood, Peterson (Pondera), Mr. Speaker. Total 59.

Absent and not voting: Bjorneby, Brayman, Chatham, Crouse, Cusick, Holecek, Kelson, Levissee, Lovell, McClain, Manning, Measure, Metlen, Minette, Mitchell, O'Shea, Padbury, Peterson (Sheridan), Shanley, Smith, Toomey, Trandum, Tyler, Waldrop. Total 24.

Passed their vote: Eggenberger, Hedden, Lippard, Monahan, Spiegel. Total 4.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 363, 188 and 256.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 352, 350, 365, 366, 369, 399, 394, 160, 337 and Substitute House Bill No. 120.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 237, respectfully report as follows: That House Bill No. 237 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 290, respectfully report as follows: That House Bill No. 290 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Resolution No. 1, respectfully report as follows: That House Resolution No. 1 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 346, respectfully report as follows: That House Bill No. 346 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 315, respectfully report as follows: That House Bill No. 315 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 319, respectfully report as follows: That House Bill No. 319 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 42, respectfully report as follows: That House Bill No. 42 be amended as follows:

In Section 1, sub-section 1, line 21 strike out the words "legal residence" and insert in lieu thereof the word "address". And as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 91, respectfully report as follows: That House Bill No. 91 be amended as follows:

Amend Section 1, page 3, line 1, by striking out the words and figures "One Dollar (\$1.00)" and inserting in lieu thereof the words and figures "Five Cents (5c)".

Amend Section 1, page 3, line 2, by inserting after the figures "two thousand (2000)" add the following: "and an amount equal to ten cents (10c) per ton for each and every ton of two thousand (2,000) pounds in excess of three thousand (3,000) tons but not exceeding ten thousand (10,000) tons, and an amount equal to fifty cents (50c) per ton for each and every ton of two thousand (2,000) pounds in excess of ten thousand (10,000) tons."

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration Senate Bill No. 42, respectfully report as follows: That Senate Bill No. 42 be not concurred in.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Petroleum, Oil and Gas, having had under consideration House Bill No. 402, respectfully report as follows: That House Bill No. 402 be printed and placed on General Orders without the recommendation of the committee.

MINETTE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 334, respectfully report as follows: That House Bill No. 334 do not pass.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 408, respectfully report as follows: That House Bill No. 408 do not pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 313, respectfully report as follows: That House Bill No. 313 do pass.

MITCHELL, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 389, respectfully report as follows: That House Bill No. 389 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 107, respectfully report as follows: That House Bill No. 107 do not pass, and that Substitute House Bill No. 107, entitled:

A Bill for an Act entitled: "An Act providing for the establishment and maintenance and operation of a central accounting department and centralized accounting system for the State of Montana and all its Officers, Departments, Bureaus, Institutions, Boards, Commissions and Agencies: Providing for appointment of a State Comptroller as head of such centralized accounting department in connection with the establishment, maintenance and operation of such department and system."

Be printed and placed on General Orders.

It was moved by Mitchell, duly seconded, that the report be adopted. On substitute motion, it was moved by Padbury, duly seconded and carried, that House Bill No. 107 be referred to the Committee on Appropriations.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 356, respectfully report as follows: That House Bill No. 356, be amended as follows:

In Line 1 of the Title strike out the word "director" and insert in lieu thereof the word "comptroller".

In Line 2 of the Title strike out the word "general".

In Line 3 of the Title after the word "assistant" strike out the words "director general".

In Line 8 of the Title strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 1 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 2 of Section 3 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 4 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 3 of Section 4 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 4 of Section 4 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 5 of Section 4 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 7 of Section 4 strike out the words "state director" and insert in lieu thereof the word "comptroller".

In Line 8 of Section 4 strike out the word "general".

In Line 11 of Section 4 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 5 strike out the words "state director" and insert in lieu thereof the word "comptroller".

In Line 2 of Section 5 strike out the word "general".

In Line 2 of Section 6 strike out the words "assistant director general" and insert in lieu thereof the words "assistant comptroller".

In Line 4 of Section 6 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 5 of Section 6 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 6 of Section 6 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 7 of Section 6 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 8 of Section 6 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 7 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 8 strike out the words "state director" and insert in lieu thereof the word "comptroller".

In Line 2 of Section 8 strike out the word "general".

In Line 3 of Section 8 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 9 of Section 8 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 17 of Section 8 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 21 of Section 8 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 25 of Section 8 strike out the word "director" and insert in lieu thereof the word "comptroller".

In Line 26 of Section 8 strike out the word "general".

In Line 27 of Section 8 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 29 of Section 8 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 36 of Section 8 strike out the word "director" and insert in lieu thereof the word "comptroller".

In Line 37 of Section 8 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 39 of Section 8 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 44 of Section 8 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 9 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

In Line 1 of Section 10 strike out the words "director general" and insert in lieu thereof the word "comptroller".

In Line 3 of Section 11 strike out the words "state director general" and insert in lieu thereof the word "comptroller".

And as amended do pass, and be placed on General Orders.

It was moved by Mitchell, duly seconded, that the report be adopted. On substitute motion, it was moved by Stromnes, duly seconded and carried, that House Bill No. 356 be indefinitely postponed.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 161, respectfully report as follows: That House Bill No. 161 be amended as follows:

Amend Section 3, page 2, line 20 by striking out the words and figures "Five Dollars (\$5.00)" and inserting in lieu thereof the words and figures "Two and One Half Dollars (\$2.50)".

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 199, respectfully report as follows: That House Bill No. 199 be amended as follows:

Amend Section 3, page 2, line 6, by striking out the words "one cent" and inserting in lieu thereof the words "three-fourths of one cent".

Amend Section 10, Page 5, line 17, by striking out the words and figures "twenty-five per cent (25%)." and inserting in lieu thereof the words and figures "fifty per cent (50%)."

Amend Section 10, Page 5, lines 18 and 19, by striking out the following: "twenty-five per cent (25%) to the Social Security Fund,"

And as amended do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 357, respectfully report as follows: That House Bill No. 357 do pass.

GOODWIN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 53, respectfully report as follows: That House Bill No. 53 do pass.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 218, respectfully report as follows: That House Bill No. 218 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 284, respectfully report as follows: That House Bill No. 284 do pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 94, respectfully report as follows: That Senate Bill No. 94 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 409, respectfully report as follows: That House Bill No. 409 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 410, respectfully report as follows: That House Bill No. 410 do pass.

MANNING, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Hoiness, duly seconded and carried, that House Bill No. 362 be taken from the Engrossing Committee and re-referred to General Orders.

It was moved by Campbell, duly seconded, that the House reconsider its action on House Bill No. 390. Motion was lost.

It was moved by Stromnes, duly seconded and carried, that the House reconsider its action on Senate Bill No. 72.

It was moved by Brennan, duly seconded and carried, that the House reconsider its action on House Bill No. 335.

It was moved by Brennan, duly seconded and carried, that House Bill No. 343 be taken from Third Reading and returned to General Orders.

### INTRODUCTION OF BILLS

The following appropriation bill was introduced, by unanimous consent without notice, read first and second time, and referred to the Committee on Appropriations:

House Bill No. 411, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the operation, and maintenance of certain boards, departments and institutions, for the fiscal year ending June 30, 1937, it having been determined that the appropriations made by the Twenty-fourth Legislative Assembly are insufficient."

### MOTIONS AND RESOLUTIONS

It was moved by Chatham, duly seconded and carried, that the Speaker draw suitable resolutions on the death, this day, of Grant Reed.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

- That House Bill No. 301 be amended as follows:

Amend Section 4, Sub-section (a) by striking out in line 5 the word "schools" and inserting in lieu thereof the word "districts".



Amend Section 18, sub-division 8, line 70, by striking out the words "County board of school supervisors" and inserting in lieu thereof the words "Board of County Commissioners acting as the Board of School Budget Supervisors".

And as amended, do pass.

That consideration of House Bill No. 155 be passed for the day.

That House Bill No. 210 be amended as follows: Amend by adding a new section after Section 7 as follows: "Section 8. This Act shall not be construed so as to affect, repeal or modify Section 2510 of the Revised Codes of Montana of 1935," and renumber the subsequent sections accordingly. And as amended do pass.

That House Bill No. 231 be amended as follows:

Amend Section 1, by striking out the period after the word "purposes" in line 10, and inserting in lieu thereof a semi-colon, and striking the remaining portion of the section in lines 10, 11 and 12, and inserting in lieu thereof the words "or the securities of any cooperative association organized in good faith under the laws of this state, for the purpose of conducting the business of operating a rural telephone system or systems or the business of operating a rural electrification system or systems for the transmission or distribution of electric energy on a cooperative basis, or any business incidental thereto."

Amend the title by striking out the words "rural electrification associations" and inserting in lieu thereof the words "certain cooperative associations".

And as amended do pass.

That House Bills No. 377 and 283 do pass.

That the enacting clause be stricken from House Bill No. 225.

That House Bill No. 380 do pass.

That House Bill No. 86 do pass.

That consideration of House Bill No. 374 be passed for the day.

KRUSE, Chairman.

It was moved by Kruse, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Stromnes, duly seconded and carried, that House Bill No. 225 be segregated from the report of the Committee of the Whole. Whereupon the report of the Committee of the Whole was adopted as amended.

#### MOTIONS AND RESOLUTIONS

It was moved by Smith, duly seconded and carried, that House Bill No. 374 be re-referred to the Committee on Judiciary.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 80 be taken from Committee on Engrossing and referred to General Orders.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

#### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 381, respectfully report as follows: That House Bill No. 381 be printed and placed on General Orders.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 68, respectfully report as follows: That House Bill No. 68 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 46, respectfully report as follows: That House Bill No. 46 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 405, respectfully report as follows: That House Bill No. 405 do pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 289, respectfully report as follows: That House Bill No. 289 be amended as follows:

Amend Section 1, page 2, line 14, adding after the figure (\$200.00) the following: "Provided that tractors shall not be construed as meaning farm tractors used on farms, but only such tractors as are a part of a unit to haul over the highways."

Amend Section 1, page 2, line 23, by adding after the figure (\$200.00) the following: "Provided that trailers owned by farmers and used in the transportation of his own livestock and farm produce with a five ton (5) capacity or more, shall be excluded from such provisions and the fee shall remain the same. And be it further provided that trailers used in the transportation of oil and gas well machinery, new and second hand, shall pay a fee of Fifteen Dollars (\$15.00) annually, regardless of size or capacity."

And as amended do pass.

METLEN, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 242, 371, 326, 260, House Joint Resolution No. 4, and Substitute House Bills Nos. 339 and 156.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 341, 372, 285, 329, 316, 323 and 403.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 219, 229, 209, 266, 404, 318, 279, 94 and 248.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 241, respectfully report as follows: That House Bill No. 241 be amended as follows:

By striking out in Section 1, line 9, page 2, the word "clubs" and the comma.

By striking out in Section 1, line 24, page 2, the words "Twenty-five Dollars (\$25.00)" and inserting in lieu thereof "Ten Dollars (\$10.00)".

By striking out in Section 3, line 15, page 3, the word "social" and the comma.

And as amended do pass.

CAMPBELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 177, respectfully report as follows: That House Bill No. 177 be amended as follows:

1. Strike out all of Section 1, page 1, of the original bill and insert in lieu thereof the following: "From and after the passage and approval of this Act, it shall be unlawful for any person, either as owner, lessee, or employee, whether for hire or not, to deal, operate, carry on, conduct, maintain, or expose for play, in the State of Montana, any game of blackjack, stud poker, draw poker, faro, Monte, dando, fan tan, twenty-one, panguain-gui, seven and a half, red-dog, pinochle, big Injun, rummy, roulette, or other wheel, Klondike, craps, pools and pari-mutuals, or any banking or percentage game played with cards, dice, or a mechanical device or machine, for money, property, checks, credit, or a representative of value; or any gambling game in which any person keeping, conducting, managing, or permitting the same to be carried on, receives directly, or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on, or permitting the said game to be carried on; or to play, maintain, any such game, play for money, for checks or tokens redeemable in money or property, or to operate, carry on, conduct, maintain, or expose for play, keno skill dart, or similar games, or to operate or permit the operation of slot machines without having first procured a license as hereinafter provided; and provided further; that no alien, or any person except a citizen of the United States and a legal and bonified resident of the State of Montana for at least two years prior to application shall be issued a license, or shall directly or indirectly own, operate, or control any game or device so licensed; and provided further, that no license shall be issued for the operation or control, direct or indirect ownership, of such game or device except to persons who have been for at least one year previous to making application a legal or bonified resident of the county in which such license shall be in effect; and provided further that no license shall be issued for the operation or control, direct or indirect ownership, of such game or device to any person, firm, corporation, or association any stockholder, member, or partner of which has ever been convicted of a felony in violation of the laws of the United States or of the State of Montana.

2. Between the lines 8 and 9, page 2, section 2, of the original bill insert the following: "Class D" licenses shall be issued for games such as keno, skill dart, or similar games, and slot machines.

3. Strike out in line 10 of page 2 the word "for" at the end of line 10 and 11 of lines 11 and 12 and insert in lieu thereof the following: "at the place described in the application therefor."

4. Strike out in lines 23 and 24, page 2, section 3, of the original bill the following: the words and figures "One Hundred Twenty-Five and no/100 Dollars (\$125.00) per quarter" and insert in lieu thereof the words and figures "Five Hundred and no/100 Dollars (\$500.00) per annum."

5. Strike out in lines 26 and 27, page 2, section 3, of the original bill the following: the words and figures "Seventy-Five and no/100 Dollars (\$75.00) per quarter" and insert in lieu thereof the words and figures "Three Hundred and no/100 Dollars (\$300.00) per annum."

6. Strike out in lines 29 and 30, page 2, section 3, of the original bill the following: the words and figures "Twenty-Five and no/100 Dollars (\$25.00) per quarter" and insert in lieu thereof the words and figures "One Hundred and no/100 Dollars (\$100.00) per annum."

7. Strike out in line 1, page 3, section 4 the words "of Montana" and insert in lieu thereof "The Board of Equalization."

8. Strike out in line 11, page 3, section 4, the words "of Montana" and insert in lieu thereof "The Board of Equalization."

9. Strike out in line 19, page 3, section 4, the words "of Montana" and insert in lieu thereof "The Board of Equalization."

10. Strike out in line 24, page 3, section 4, the words "of Montana" and insert in lieu thereof "The Board of Equalization."

11. Between the lines 26 and 27, page 3, section 4, of the original bill, insert the following: "Any person applying for "Class D" licenses to conduct or operate the game of keno, skill dart, or similar games, shall before said license is issued, pay to the State Board of Equalization the sum of Five Dollars (\$5.00) per seat or for each position playing such game, for each three months."

Any person applying for "Class D" license to conduct, operate or maintain slot machines, shall, before said license is issued, pay to the State Board of Equalization the following: for every slot machine, played with nickels or five (5) cent pieces, Thirty Dollars (\$30.00) for each three (3) months; for every slot machine played with dimes or ten (10) cent pieces, Sixty Dollars (\$60.00) for each three (3) months; for every slot machine played with quarters or twenty-five (25) cent pieces, Ninety Dollars (\$90.00) for each three months.

12. Strike out all of section 6, page 4, of the original bill and re-number the succeeding sections.

13. Strike out in line 4, section 9, page 6, of the original bill, after the words "shall be" the balance of line 4 and all of lines 5 to 24, both inclusive, the same being the balance of section 9, and insert in lieu thereof the following: "apportioned as follows: fifty per cent (50%) thereof to "The Common School General Fund", fifty per cent (50%) thereof to "The State Relief Fund".

14. Strike out in line 27, page 6, section 10, of the original bill, after the word "act" the balance of line 27 and all of line 28.

15. Strike out in line 31, page 6, section 11, of the original bill, the word "quarterly" and insert in lieu thereof "as herein provided."

16. Strike out all of lines 3, 4, 5, and 6, page 2, section 12 of the original bill.

17. In line 7, page 7, section 13, of the original bill, insert after the word licenses "except house licenses, provided for in section 3 of this act."

18. In line 30, page 7, section 16, of the original bill, insert the following: "this Act shall not apply to fairs, bazaars, or veteran organizations for keno, skill dart and similar games played solely for merchandise."

19. Strike out all of Section 20 and in lieu thereof insert the following: "Section 20. Nothing in this Act contained shall in any manner be construed to prohibit or prevent cities, incorporated towns, or counties from imposing license fees for operating, maintaining and conducting games of chance as provided herein, notwithstanding the fact that the persons conducting, operating and maintaining such games have obtained a license from the Board, provided that the said license so imposed by any city, incorporated town or county shall not be in excess of the amount of license imposed by said Board."

20. Strike in line 21, page 9, section 21 of the original bill the words and figures "ten (10)" and insert in lieu thereof the words and figures "twenty-five (25)".



21. Strike out on page 11 all of section 27 of the original bill and insert in lieu thereof the following: "If any clause, phrase, or provisions of this Act, should be declared invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this act."

And as amended do pass.

METLEN, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills No. 101, 115, 118, 119, 126, 130, 133 and 138.

House Bill No. 59 was this day recommended for non-concurrence in the Senate, and bill is herewith returned to the House.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 126 and 222.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 82 and 144.

The Senate this day on motion and at the request of the House, appointed the following Conference Committee to act with a like Committee from the House for the consideration of Senate amendments to House Bill No. 63: Hammond, Page and Murphy.

Respectfully,

GEORGE A. BURR.

Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried, that the House reconsider its action on House Bill No. 356.

It was moved by Chatham, duly seconded and carried, that the House reconsider its action on House Bills No. 309 and 310 and that they be printed and placed on General Orders.

It was moved by Mungas, duly seconded, that the House reconsider its action on House Bill No. 277. Motion was lost.

It was moved by Ijams, duly seconded and carried, that House Bill No. 310 be taken from printing and referred to the Committee on Appropriations.

It was moved by Metcalf, duly seconded, that the committee report on House Bill No. 356 be adopted. Motion was lost.

It was moved by Elliott, duly seconded and carried, that House Bill No. 309 be taken from the Committee on Printing and referred to the Committee on Appropriations.

It was moved by Minette, duly seconded, that the House reconsider its action on House Bill No. 341. Motion was lost.

## INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Bill No. 101, introduced by Arnold: A Bill for an Act entitled: "An Act to amend Section 654 of the Revised Codes of Montana, 1935, relating to the canvass of returns at primary elections." Referred to the Committee on Privileges and Elections.

Senate Bill No. 115, introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 568 of the Revised Codes of Montana, 1935, relating to the duties of the County Clerk in preparing precinct registers for the use of clerks and judges of election; providing for the arrangement of precinct registers; the information necessary in precinct registers; to whom precinct registers are to be delivered and providing for the combining of precinct registers in municipal elections or in elections in School District; providing for the omission of names in precinct registers; providing when precinct registers shall not be prepared for cities and repealing all Acts and parts of Acts in conflict herewith and providing said Act shall be in full force and effect from and after its passage and approval." Referred to the Committee on Privileges and Elections.

Senate Bill No. 118, introduced by Committee on Irrigation and Water Rights: A Bill for an Act entitled: "An Act to authorize the State Water Conservation Board to construct irrigation works across streams of water, watercourse, streets, avenues, highways, railways, canals, ditches or flumes." Referred to the Committee on Water Conservation and Flood Control.

Senate Bill No. 119, introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act requiring conformity in interest payments on county, city and town funds with Acts of Congress of the United States and regulations of fiscal agencies of the United States." Referred to the Committee on Banks and Banking.

Senate Bill No. 130, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 3241.1 of the Revised Codes of Montana, 1935, being an Act to regulate the practice of the profession of public accounting or auditing, providing for the qualifications and examination and admission of applicants and the issuance of certificates thereto." Referred to the Committee on Judiciary.

Senate Bill No. 133, introduced by Sullivan (Jefferson): A Bill for an Act entitled: "An Act to amend Section 2214.2 of the Revised Codes of Montana, 1935, relating to legalizing and validating tax deeds heretofore issued notwithstanding any error in the form, substance or amounts stated in notice of application for tax deed unless the amount actually due for taxes, interest and penalty has been tendered to the holder of the tax deed or County Treasurer before the approval of this Act." Referred to the Committee on Judiciary.

Senate Bill No. 138, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 678 of the Revised Codes of Montana, 1935, relating to the preparation and form of the printing of ballots on elections and to repeal all Laws in conflict therewith." Referred to the Committee on Privileges and Elections.

## MOTIONS AND RESOLUTIONS

It was moved by Levissee, duly seconded and carried, that House Bill No. 149 be considered correctly engrossed and placed on calendar for Third Reading.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

Senate Bill No. 19 was concurred in by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Lasby, Lehrkind, Levissee, Lippard, Love, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 77.

Noes: Green, Haugan, Kruse, Lambert, Longenecker, Smith. Total 6.

Absent and not voting: Acher, Anderson (Chouteau), Burns, Chatham, Heavlin, Ijams, Kelson, Leeson, Lemmer, McClain, Manning, Metlen, Minette, Peterson (Sheridan), Scott, Stromnes, Toomey, Vanek, Whaley. Total 19.

House Bill No. 201 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Lehrkind, Levissee, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Smith, Sorte, Stimatz, Stortz, Tyler, Waldrop, Whaley, Wood, Mr. Speaker. Total 73.

Noes: Bloom, Cusick, Haight, Haugan, Lambert, Lovell, Metcalf, Miller (Big Horn), O'Shea, Scofield. Total 10.

Absent and not voting: Burns, Daly, Elliott, Heavlin, Holecek, Kelson, Leeson, Lemmer, Lippard, McClain, Metlen, Peterson (Sheridan), Scott, Stromnes, Toomey, Trandum, Vanek, Wenger. Total 18.

Passed their vote: Spiegel. Total 1.

House Bill No. 213 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Jackson, Joffray, Johnson, Lambert, Lasby, Levissee, Lippard, Longenecker, McKenna, McLeod, Mackie, Manning, Measure, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Mr. Speaker. Total 66.

Noes: Anderson (Silver Bow), Chamberlain, D'Ewart, Haugan, Holecek, Ijams, Kruse, Love, Lovell, Metcalf, O'Connor, O'Shea, Smith. Total 13.

Absent and not voting: Acher, Conner, DeDobbeleer, Heavlin, Kelson, Leeson, Lehrkind, Lemmer, McClain, Masterson, Metlen, Miller (Big Horn),

Mungas, Parker, Peterson (Sheridan), Ruffcorn, Scott, Stromnes, Toomey, Vanek, Wenger, Whaley. Total 22.

Passed their vote: Wood. Total 1.

House Bill No. 331 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Holecek, Ijams, Johnson, Lambert, Lasby, Lehrkind, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Phelan, Reed, Scott, Sherman, Spiegel, Stimatz, Stortz, Waldrop, Wenker, Mr. Speaker. Total 53.

Noes: Acher, Anderson (Chouteau), Brennan, Conner, Dougherty, Elliott, Green, Haight, Hedden, Hoiness, Jackson, Kruse, Levissee, Lippard, Longenecker, Love, Manning, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, O'Connor, O'Shea, Ruffcorn, Scofield, Smith, Sorte, Trandum, Tyler, Whaley, Wood. Total 32.

Absent and not voting: Daly, Eggenberger, Heavlin, Joffray, Kelson, Leeson, Lemmer, McClain, Metlen, Minette, Padbury, Peterson (Sheridan), Shanley, Stromnes, Toomey, Vanek. Total 16.

Passed their vote: Schneider. Total 1.

House Bill No. 325 failed to pass by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hedden, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Longenecker, McKenna, Manning, Metlen, Mitchell, Mulholland, Mungas, O'Connor, Padbury, Ruffcorn, Scott, Shanley, Smith, Stimatz, Wenger, Mr. Speaker. Total 43.

Noes: Anderson (Lincoln), Bjorneby, Bloom, Burns, Conner, Cusick, Daly, DeDobbeleer, Eggenberger, Elliott, Haight, Haugan, Hess, Hoiness, Holecek, Levissee, Lippard, Love, Lovell, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Scofield, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Waldrop, Whaley, Wood. Total 44.

Absent and not voting: Acher, Brennan, Chatham, Heavlin, Joffray, Kelson, Leeson, Lemmer, McClain, Minette, Peterson (Sheridan), Schneider, Stromnes, Toomey, Vanek. Total 15.

Substitute House Bill No. 149 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Jackson, Johnson, Kruse, Lehrkind, Levissee, Lippard, Love, Lovell, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Waldrop, Wenger, Wood, Crouse, Mr. Speaker. Total 74.

Noes: Anderson (Lincoln), Campbell, Chamberlain, Freshman, Ijams, Lambert, Lasby, Longenecker, McLeod, Mitchell, Padbury, Smith, Stimatz, Whaley. Total 14.



Absent and not voting: Acher, Heavlin, Joffray, Kelson, Leeson, Lemmer, McClain, Manning, Metlen, Minette, Peterson (Sheridan), Stromnes, Toomey, Vanek. Total 14.

House Bill No. 246 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimat, Stortz, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 81.

Noes: McLeod, Smith. Total 2.

Absent and not voting: Bower, Brennan, Chatham, Heavlin, Holecek, Joffray, Kelson, Leeson, Lemmer, McClain, Metlen, Miller (Big Horn), O'Connor, Peterson (Pondera), Peterson (Sheridan), Stromnes, Toomey, Trandum, Vanek. Total 19.

House Bill No. 234 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Joffray, Johnson, Krouse, Lambert, Lasby, Lehrkind, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Minette, Mitchell, Mulholland, Nelson, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimat, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: D'Ewart, Green, Jackson, Metcalf, Miller (Big Horn), Mungas, O'Connor, O'Shea, Scofield, Smith, Stortz, Tyler. Total 12.

Absent and not voting: Bower, Heavlin, Kelson, Leeson, Lemmer, McClain, Measure, Metlen, Monahan, Peterson (Pondera), Peterson (Sheridan), Stromnes, Toomey, Trandum, Vanek. Total 15.

House Bill No. 94 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Levissee, Lippard, Longenecker, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Smith, Spiegel, Stimat, Stortz, Trandum, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 83.

Noes: Miles, Miller (Big Horn), Mungas, O'Shea. Total 4.

Absent and not voting: Cusick, Haight, Haugan, Heavlin, Kelson, Leeson, Lemmer, Love, McClain, Peterson (Sheridan), Stromnes, Toomey, Vanek, Wood. Total 14.

Passed their vote: Acher. Total 1.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Kruse in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 80 be amended as follows:

Amend Section 1 by striking out in line 23 the words and figures "Ten Dollars (\$10.00)" and inserting in lieu thereof the words and figures "Five Dollars (\$5.00)".

Amend Sub-section 11 by adding at the end of line 70 the following: "Any cooperative association or corporation engaged in the business of operating a rural electrification system or systems for the transmission or distribution of electrical energy on a cooperative basis."

And as amended do pass.

That House Bill No. 225 do pass.

That the enacting clause be stricken from House Bill No. 262.

That the enacting clause be stricken from House Bill No. 395.

That House Bill No. 384 do pass.

That consideration of House Bill No. 287 be passed for the day.

That consideration of House Bill No. 244 be passed for the day.

That Senate amendments to House Bill No. 30 be not concurred in and a conference committee be appointed in the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 31 be concurred in.

That Senate Amendments to House Bill No. 9 be concurred in.

That Senate Amendments to House Bill No. 142 be concurred in.

That Senate Bill No. 107 be concurred in.

That House Joint Resolution No. 5 do pass.

That House Joint Resolution No. 6 be indefinitely postponed.

That House Bill No. 288 do pass.

That House Bill No. 252 do pass.

That House Bill No. 358 do pass.

That consideration of House Bill No. 238 be passed for the day.

That House Bill No. 347 do pass.

KRUSE, Chairman.

It was moved by Kruse, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that House Bill No. 252 be segregated from the report of the Committee of the Whole. Whereupon the report of the Committee of the Whole was adopted as amended.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 9:30 o'clock A. M., Friday Morning, February 19th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FORTY-SEVENTH DAY

House of Representatives,  
Helena, Montana,  
February 19th, 1937.

House convened, pursuant to adjournment, at 9:30 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: Excused: Lemmer, Kelson and Peterson of Sheridan. Absent: Toomey.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-sixth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by McLeod, duly seconded and carried, that the House reconsider its action on House Bill No. 325.

It was moved by Alvord, duly seconded, that the House reconsider its action on Substitute House Bill No. 172. Motion was lost.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 403 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Longenecker, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Anderson (Lincoln). Total 1.

Absent and not voting: Anderson (Chouteau), Campbell, Chatham, Conner, Hedden, Holecek, Jackson, Kelson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, Metcalf, O'Connor, Parker, Peterson (Sheridan), Smith, Stortz, Stromnes, Toomey. Total 22.

House Bill No. 323 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Love, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Reed, Ruffcorn, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 76.

Noes: None.

Absent and not voting: Bloom, Bower, Campbell, Chatham, Hoiness, Jackson, Joffray, Kelson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McClain, Metcalf, Metlen, O'Connor, Peterson (Sheridan), Phelan, Schneider, Sherman, Smith, Stortz, Stromnes, Toomey, Whaley. Total 26.

House Bill No. 316 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Johnson, Lasby, Leeson, Longenecker, Love, Lovell, McKenna, McLeod, Mackie, Manning, Measure, Metlen, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 77.

Noes: Kruse, Masterson, Metcalf, Miller (Big Horn), Minette. Total 5.

Absent and not voting: Bower, Campbell, Chatham, Hoiness, Jackson, Joffray, Kelson, Lambert, Lehrkind, Lemmer, Levissee, Lippard, McClain, Mitchell, O'Connor, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 20.

House Bill No. 329 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Joffray, Johnson, Kruse, Lasby, Leeson, Lippard, Love, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 78.

Noes: Anderson (Lincoln), Holecek, Longenecker, Miller (Big Horn). Total 4.

Absent and not voting: Campbell, Chatham, Hamilton, Hoiness, Jackson, Kelson, Lambert, Lehrkind, Lemmer, Levissee, McClain, Metlen, Mungas, O'Connor, Padbury, Peterson (Sheridan), Schneider, Smith, Stromnes, Toomey. Total 20.

House Bill No. 285 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Longenecker, Love, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: Anderson (Lincoln), Heavlin, Lovell. Total 3.

Absent and not voting: Anderson (Chouteau), Campbell, Chatham, Conner, Eggenberger, Haight, Hamilton, Hoiness, Holecek, Jackson, Kel-



son, Lehrkind, Lemmer, Levissee, Lippard, McClain, O'Connor, Padbury, Peterson (Sheridan), Reed, Smith, Stromnes, Toomey. Total 23.

Substitute House Bill No. 341 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lasby, Leeson, Lippard, Longenecker, Love, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Lambert, Stimatz. Total 2.

Absent and not voting: Campbell, Chatham, Conner, Elliott, Green, Haight, Hamilton, Holecek, Jackson, Kelson, Lehrkind, Lemmer, Levissee, Lovell, McClain, McLeod, Metlen, O'Connor, Padbury, Peterson (Sheridan), Reed, Smith, Stromnes, Toomey. Total 24.

Passed their vote: Minette. Total 1.

House Bill No. 248 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Heavlin, Hess, Hoiness, Holecek, Kruse, Lambert, Lasby, Leeson, Lippard, Longenecker, Love, Lovell, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 76.

Noes: None.

Absent and not voting: Campbell, Chatham, Eggenberger, Hamilton, Haugan, Hedden, Jackson, Joffray, Johnson, Kelson, Lehrkind, Lemmer, Levissee, McClain, Masterson, Miller (Big Horn), O'Connor, Peterson (Sheridan), Reed, Schneider, Smith, Stromnes, Toomey, McKenna, Mr. Speaker. Total 25.

Passed their vote: Ijams. Total 1.

House Bill No. 229 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Lippard, Love, Lovell, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 71.

Noes: Smith. Total 1.

Absent and not voting: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Campbell, Chatham, Finnegan, Hoiness, Holecek, Jackson, Joffray, Kelson, Lehrkind, Lemmer, Levissee, Longenecker, McClain, Masterson, Metlen, Minette, O'Connor, Peterson (Pondera), Peterson (Sheri-

dan), Sherman, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 28.

Passed their vote: Haight, Mungas. Total 2.

House Bill No. 209 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Johnson, Kruse, Lasby, Leeson, Lehrkind, Longenecker, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Parker, Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Tyler, Vanek, Wenger, Wood. Total 59.

Noes: Anderson (Lincoln), Daly, Elliott, Haight, Heavlin, Holecek, Lambert, Lippard, Love, Miles, Miller (Big Horn), Nelson, O'Shea, Padbury, Scofield, Smith, Sorte. Total 17.

Absent and not voting: Anderson (Chouteau), Bjorneby, Campbell, Chatham, Crouse, Jackson, Joffray, Kelson, Lemmer, Levissee, Lovell, McClain, McKenna, Mackie, Manning, Metlen, O'Connor, Peterson (Pondera), Peterson (Sheridan), Stromnes, Toomey, Trandum, Waldrop, Whaley, Mr. Speaker. Total 25.

Passed their vote: McLeod. Total 1.

House Bill No. 266 being a Constitutional Amendment requiring a two-thirds vote, failed to pass by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, DeDobbeleer, Finnegan, Goodwin, Hamilton, Heavlin, Hess, Joffray, Johnson, Kruse, Lambert, Lippard, Lovell, McLeod, Masterson, Measure, Miles, Miller (Big Horn), Monahan, Mulholland, Nelson, O'Shea, Parker, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Spiegel, Stimatz, Vanek, Cusick. Total 47.

Noes: Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Green, Haight, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Lasby, Leeson, Lehrkind, Love, Miller (Roosevelt), Minette, Mitchell, Mungas, Padbury, Reed, Sherman, Smith, Sorte, Waldrop, Wenger, Wood. Total 29.

Absent and not voting: Anderson (Chouteau), Bjorneby, Campbell, Chatham, Holecek, Jackson, Kelson, Lemmer, Levissee, McClain, McKenna, Mackie, Manning, Metcalf, Metlen, O'Connor, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes, Toomey, Trandum, Tyler, Whaley, Mr. Speaker. Total 25.

Passed their vote: Longenecker. Total 1.

Speaker Protem in the Chair.

Pro Tem, Monahan.

The Committee on Enrolling reported the following bills correctly enrolled. House Bills Nos. 179, 180, 145 and Substitute House Bill No. 28. McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 179, introduced by me and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 180, introduced by me and find the same to be correct.

STROMNES.

The Committee on Enrolling reported the following bill correctly enrolled: Substitute House Bill No. 28.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 145, introduced by me and find the same to be correct.

HAUGAN.

The Speaker Pro Tem, Monahan, signed the following measures in Open Session: House Bills Nos. 179, 180, 145 and Substitute House Bill No. 28.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Brennan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 244 be amended as follows:

Amend Section 1 by striking out in line 4 the words "forty-five" and inserting in lieu thereof the word "sixty", and as amended do pass.

That House Bill No. 361 do pass.

That House Bill No. 362 be amended as follows:

Amend the title as follows: In line 8 insert the words "truck driving" after the word "chauffeuring" in line 17 insert after the word "bookbinding;" the words "news writers;" in line 26 after the word "owner" insert the words "or executive",

(Committee of the Whole—House Bill No. 362)

Amend Section 1 as follows: In line 6 after the word "chauffeuring" insert a comma and the words "truck driving"; in line 11 after the word "bookbinding;" insert the words "news writers" and in line 17 after the word "owner" insert "or executive", and as amended do pass.

That House Bill No. 343 do pass.

That Senate Amendments to House Bill No. 216 be concurred in.

That House Bill No. 218 do pass.

That House Bill No. 394 do pass.

BRENNAN, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills No. 288, 358, 283, 384, 347, 86 and 225.

PETERSON of Pondera, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bill No. 343.

PETERSON of Pondera, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 378 respectfully report as follows: That House Bill No. 378 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Water Conservation and Flood Control, having had under consideration Senate Bill No. 118 respectfully report as follows: That Senate Bill No. 118 be concurred in.

CROUSE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 345 respectfully report as follows: That House Bill No. 345 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 136 respectfully report as follows: That House Bill No. 136 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 119 respectfully report as follows: That Senate Bill No. 119 be concurred in.

ACHER, Chairman.

Report adopted.

The Committee on Printing reported the following House Bills correctly printed: House Bills Nos. 226, 228, 291, 330, 391, 230, 227, 254, 376, 241 and 196.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 191 respectfully report as follows: That House Bill No. 191 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 50 respectfully report as follows: That House Bill No. 50 do not pass.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Social Security, having had under consideration House Bill No. 247 respectfully report as follows: That House Bill No. 247 do not pass.

STORTZ, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Affairs of Cities, having had under consideration House Bill No. 333 respectfully report as follows: That House Bill No. 333 do pass.

GOODWIN, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration House Bill No. 392 respectfully report as follows: That House Bill No. 392 do pass.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 401 respectfully report as follows: That House Bill No. 401 do not pass.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 280 respectfully report as follows: That House Bill No. 280 be printed and placed on General Orders.

MITCHELL, Chairman.

It was moved by Mitchell, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Schneider, duly seconded, that action on the committee report on House Bill No. 280 be indefinitely postponed. As a substitute motion for all motions pending, it was moved by Haight, duly seconded and carried, that the motion of Schneider to indefinitely postpone action on committee report on House Bill No. 280 be laid on the table.

Mr. Speaker: We, your Committee on State Boards and Officers, having had under consideration House Bill No. 281 respectfully report as follows: That House Bill No. 281 be printed and placed on General Orders.

MITCHELL, Chairman.

It was moved by Mitchell, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Schneider, duly seconded, that action on the committee report on House Bill No. 281 be indefinitely postponed. As a substitute motion for all motions pending, it was moved by Haight, duly seconded and carried, that the motion of Schneider to indefinitely postpone action on committee report on House Bill No. 281 be laid on the table.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 307 respectfully report as follows: That House Bill No. 307 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration House Bill No. 342 respectfully report as follows: That House Bill No. 342 do not pass.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 276 respectfully report as follows: That House Bill No. 276 be printed and placed on General Orders.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 332 respectfully report as follows: That House Bill No. 332 be printed and placed on General Orders.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Appropriations, having had under consideration House Bill No. 327 respectfully report as follows: That House Bill No. 327 do not pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report of the committee be adopted. On substitute motion, it was moved by Smith, duly seconded and carried, that House Bill No. 327 be printed and placed on General Orders.

Mr. Speaker: We, the Majority of your Committee on Judiciary, having had under consideration House Bill No. 387 respectfully report as follows: That House Bill No. 387 do not pass.

STROMNES, Chairman,  
O'CONNOR,  
SMITH,  
HOINESS,  
HEAVLIN,  
TOOMEY.

Mr. Speaker: We, the Minority of your Committee on Judiciary, having had under consideration House Bill No. 387 respectfully report as follows: That House Bill No. 387 do pass.

METCALF,  
ALVORD,  
STORTZ.

It was moved by Stromnes, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Metcalf, duly seconded, that the report of the Minority be adopted. It was moved by Stromnes, duly seconded, that action on both the Majority and Minority reports on House Bill No. 387 be indefinitely postponed. As a substitute motion for all motions pending, it was moved by Minette, duly seconded that the motion of Stromnes, to indefinitely postpone action on both the Majority and Minority reports on House Bill No. 387 be laid on the table. A roll call, to be entered in the Journal, was demanded by the required number, and the motion carried by the following vote:

Ayes: Anderson (Phillips), Campbell, Chatham, Cohen, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Elliott, Freshman, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Joffray, Johnson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, Manning, Metlen, Miles, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Parker, Scofield, Shanley, Sherman, Smith, Stromnes, Trandum, Wenger, Wood, Mr. Speaker. Total 46.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cusick, DeDobbeleer, Finnegan, Goodwin, Hess, Jackson, Kruse, Lambert, Lasby, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Whaley. Total 43.

Absent and not voting: Acher, Brennan, Conner, Eggenberger, Hamilton, Holecek, Kelson, Leeson, Mackie, Peterson (Sheridan), Schneider, Toomey. Total 12.

Passed their vote: Waldrop. Total 1.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 107 respectfully report as follows: That House Bill No. 107 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 411 respectfully report as follows: That House Bill No. 411 do pass.

MANNING, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health and Sanitary Affairs, having had under consideration House Bill No. 304 respectfully report as follows: That House Bill No. 304 do not pass.

IJAMS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 115 respectfully report as follows: That Senate Bill No. 115 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 101 respectfully report as follows: That Senate Bill No. 101 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 138 respectfully report as follows: That Senate Bill No. 138 be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 34 respectfully report as follows: That House Bill No. 34 do not pass.

CUSICK, Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 218, 377, 380 and House Joint Resolution No. 5.

PETERSON (Pondera), Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that consideration of House Bills Nos. 156, 339, 260, 371, 326, 242 and House Joint Resolution No. 4 on General Orders be passed for the day.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Brennan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders recommend:

That House Bill No. 337 be amended as follows:

(Committee of the Whole—House Bill No. 337)

Amend Section 2, by inserting before line 34 the following: "For salary of Supervisor, Three Thousand Dollars.....\$3,000.00" and inserting after the word "For" in line 34 the word "other" and by striking out the words and figures in line 34 "Eight Thousand Dollars.....8,000.00" and inserting in lieu thereof the words and figures "Nine Thousand Dollars.....9,000.00" and in line 35 by striking out the words and figures "Ten Thousand Dollars.....10,000.00", and inserting in lieu thereof the words and figures "Thirteen Thousand Dollars.....13,000.00"

(Committee of the Whole—House Bill No. 337)

Amend Section 3, by inserting before line 34 the following: "For salary of Supervisor, Three Thousand Dollars.....3,000.00" and inserting after the word "For" in line 34 the word "other" and by striking out the words and figures in line 34 "Eight Thousand Dollars.....8,000.00" and inserting in lieu thereof the words and figures "Nine Thousand Dollars.....9,000.00" and in line 35 by striking out the words and figures "Ten Thousand Dollars.....10,000.00" and inserting in lieu thereof the words and figures "Thirteen Thousand Dollars.....13,000.00".

(Committee of the Whole—House Bill No. 337)

Amend Section 2 in line 41 after the word "Expenses" by striking out the words and figures "Five Hundred Dollars.....500.00" and inserting in lieu thereof "for eradication of insect pests, Nine Thousand Two Hundred Dollars.....9,200.00"

(Committee of the Whole—House Bill No. 337)

Amend Section 3 in line 41 after the word "Expenses" by striking out the words and figures "Five Hundred Dollars.....500.00" and inserting in lieu thereof "for eradication of insect pests, Nine Thousand Two Hundred Dollars.....9,200.00"

(Committee of the Whole—House Bill No. 337)

Amend Section 2 in line 291 by striking out the words "From the General Fund" and inserting in lieu thereof the words "From the Public School General Fund." and as amended do pass.

That House Bill No. 252 be amended as follows:

(Committee of the Whole—House Bill No. 252)

Amend title by striking out the figures in "8184" and inserting in lieu thereof the figures "7184" and as amended do pass.

BRENNAN, Chairman.

Report adopted.

Haugen of Stillwater County was excused because of illness.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 219 was passed by the following vote:

Ayes: Acher, Alvord, Bjerneby, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugen, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Lemmer, Levisee, Love, Lovell, McClain, McKenna, McLeod, Masterson, Metcalf, Miller (Roosevelt), Minette, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Stromnes, Tyler, Wenger, Mr. Speaker. Total 60.

Noes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Chamberlain, Holecck, Lambert, Lippard, Longenecker, Mitchell, Mungas, O'Shea, Sorte, Spiegel, Stimatz, Vanek. Total 15.

Absent and not voting: Anderson (Silver Bow), Bloom, Brayman, Burns, Cusick, Eggenberger, Heavlin, Joffray, Kelson, Leeson, Lehrkind, Mackie, Manning, Measure, Metlen, Miles, Miller (Big Horn), Monahan, Peterson (Sheridan), Smith, Stortz, Toomey, Trandum, Whaley, Wood. Total 25.

Passed their vote: Scofield, Waldrop. Total 2.



House Bill No. 256 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Lemmer, Love, McClain, McKenna, McLeod, Manning, Masterson, Miles, Miller (Roosevelt), Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 66.

Noes: Anderson (Chouteau), Elliott, Hoiness, Holecek, Lambert, Lippard, Longenecker, Mackie, Measure, Metcalf, Miller (Big Horn), O'Shea, Sorte, Stimatz. Total 14.

Absent and note voting: Anderson (Silver Bow), Bjerneby, Bloom, Chatham, Haight, Joffray, Kelson, Leeson, Lehrkind, Levissee, Lovell, Metlen, Minette, Mitchell, Monahan, Peterson (Sheridan), Smith, Stortz, Stromnes, Toomey, Trandum, Whaley. Total 22.

House Bill No. 363 failed to pass by the following vote:

Ayes: Alvord, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Daly, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hardcastle, Lasby, Lovell, McClain, McKenna, McLeod, Measure, Metcalf, Monahan, Mulholland, Mungas, Nelson, Parker, Phelan, Scott, Shanley, Sherman, Spiegel, Stimatz, Wenger, Mr. Speaker. Total 37.

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Campbell, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Green, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lemmer, Lippard, Longenecker, Love, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, O'Connor, O'Shea, Padbury, Reed, Scofield, Smith, Sorte, Stromnes, Vanek, Waldrop, Wood. Total 43.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Bloom, Cusick, Haight, Joffray, Kelson, Leeson, Lehrkind, Levissee, Mackie, Manning, Masterson, Mitchell, Peterson (Pondera), Peterson (Sheridan), Stortz, Toomey, Trandum, Tyler, Whaley. Total 20.

Passed their vote: Ruffcorn, Schneider. Total 2.

House Bill No. 188 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 82.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Cusick, Haight, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Levissee, Manning, Masterson, Metcalf, Metlen, Peterson (Sheridan), Stortz, Stromnes, Toomey, Whaley. Total 20.

House Bill No. 279 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 77.

Noes: Lambert. Total 1.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Cusick, Green, Haight, Hedden, Hoiness, Holecek, Joffray, Kelson, Leeson, Lehrkind, Manning, Measure, Miller (Roosevelt), Monahan, Peterson (Sheridan), Scofield, Smith, Stortz, Stromnes, Toomey, Whaley. Total 23.

Passed their vote: Mungas. Total 1.

House Bill No. 404 failed to pass by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Chamberlain, DeDobbeleer, Eggenberger, Finnegan, Hess, Kruse, Lambert, Longenecker, Lovell, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, Reed, Ruffcorn, Schneider, Sorte, Spiegel, Stimatz, Vanek, Mr. Speaker. Total 36.

Noes: Acher, Anderson (Silver Bow), Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Elliott, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Ijams, Jackson, Joffray, Johnson, Lasby, Lehrkind, Lemmer, Love, Mackie, Metlen, Miles, Miller (Big Horn), O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Scofield, Shanley, Sherman, Smith, Trandum, Tyler, Waldrop, Wenger, Wood. Total 44.

Absent and not voting: Bjerneby, Bloom, Chatham, Cusick, Haight, Hamilton, Hoiness, Holecek, Kelson, Leeson, Levissee, Lippard, Manning, Minette, O'Connor, Peterson (Sheridan), Stortz, Stromnes, Toomey, Whaley. Total 20.

Passed their vote: Mitchell, Scott. Total 2.

Senate Amendments to House Bill No. 31 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 80.

Noes: None.

Absent and not voting: Bjerneby, Bloom, Chatham, Cohen, Cusick, Finnegan, Goodwin, Haight, Hamilton, Heavlin, Joffray, Kelson, Leeson, Lovell, Manning, Metlen, Minette, Peterson (Sheridan), Stromnes, Toomey, Trandum, Whaley. Total 22.

Senate Amendments to House Bill No. 9 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Stimatz, Tyler, Vanek, Waldrop, Mr. Speaker. Total 73.

Noes: O'Shea. Total 1.

Absent and not voting: Anderson (Lincoln), Bjorneby, Brayman, Conner, Cusick, Haight, Hamilton, Heavlin, Holecek, Joffray, Kelson, Leeson, Love, Manning, Metcalf, Metlen, Miller (Big Horn), Padbury, Peterson (Pondera), Peterson (Sheridan), Spiegel, Stortz, Stromnes, Toomey, Trandum, Wenger, Whaley, Wood. Total 28.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:30 P. M.

#### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

#### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length).

Senate Amendments to House Bill No. 142 were concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hardcastle, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: None.

Absent and not voting: Acher, Conner, DeDobbeleer, Freshman, Green, Hamilton, Haugan, Heavlin, Holecek, Kelson, Kruse, Lehrkind, Levisse, Manning, Metlen, Minette, Padbury, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 22.

House Joint Resolution No. 5 failed to pass by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Finnegan, Goodwin, Hardcastle, Ijams, Lasby, Lemmer, McLeod, Measure, Miles, Miller (Roosevelt), Mitchell, Reed, Shanley, Spiegel, Stimatz, Stortz, Wenger, Whaley, Mr. Speaker. Total 34.

Noes: Bloom, Brennan, Burns, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Green, Haight, Hess, Hoiness, Jackson, Joffray, Johnson, Lambert, Leeson, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Metcalf, Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Tyler, Vanek, Waldrop, Wood. Total 47.

Absent and not voting: Conner, Cusick, DeDobbeleer, Freshman, Hamilton, Haugan, Heavlin, Hedden, Holecek, Kelson, Kruse, Lehrkind, Levisse, Metlen, Minette, Padbury, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 21.

House Bill No. 325 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Bower, Brennan, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Hedden, Ijams, Jackson, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Mitchell, Monahan, Mulholland, O'Connor, Phelan, Reed, Ruffcorn, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Wenger, Mr. Speaker. Total 43.

Noes: Acher, Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Burns, Chatham, Conner, Cusick, Daly, Eggenberger, Haight, Hess, Hoiness, Johnson, Lambert, Lasby, Leeson, Lippard, Longenecker, Love, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Schneider, Scofield, Sorte, Tyler, Vanek, Waldrop, Whaley, Wood. Total 41.

Absent and not voting: DeDobbeleer, Hamilton, Haugan, Heavlin, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levisse, Metlen, Minette, Padbury, Peterson (Sheridan), Scott, Stromnes, Toomey, Trandum. Total 18.

House Bill No. 372 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Leeson, Lehrkind, Lemmer, Levisse, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 68.

Noes: Bloom, Green, Hamilton, Heavlin, Lasby, Lippard, Longenecker, Lovell, Miles, Miller (Big Horn), Mungas, O'Connor, O'Shea, Scofield, Wood. Total 15.

Absent and not voting: Cusick, DeDobbeleer, Dougherty, Haight, Haugan, Holecek, Kelson, Kruse, Metlen, Nelson, Padbury, Peterson (Sheridan), Smith, Stortz, Stromnes, Toomey, Trandum, Whaley. Total 18.

Passed their vote: Campbell. Total 1.

House Bill No. 86 being a Constitutional Amendment, requiring a two-thirds vote, failed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Burns, Chatham, Cohen, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lasby, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, Lovell, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Monahan, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott,



Shanley, Sherman, Sorte, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wood, Mr. Speaker. Total 65.

Noes: Bloom, Brennan, Chamberlain, Daly, Finnegan, Green, Lambert, Leeson, McClain, McKenna, Metcalf, Miller (Big Horn), Mitchell, Mulholland, Peterson (Pondera), Spiegel, Stimatz, Wenger. Total 18.

Absent and not voting: Bower, Campbell, Conner, DeDobbeleer, Haugan, Holecek, Kelson, Kruse, Manning, Metlen, Minette, Nelson, Padbury, Peterson (Sheridan), Smith, Toomey, Trandum, Whaley. Total 18.

Passed their vote: Mungas. Total 1.

House Bill No. 225 being a Constitutional Amendment, requiring a two-thirds vote, failed to pass by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hess, Ijams, Johnson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 58.

Noes: Acher, Bloom, Chamberlain, Daly, D'Ewart, Freshman, Green, Hardcastle, Heavlin, Hedden, Hoiness, Jackson, Lambert, Lasby, Leeson, McKenna, Miles, Miller (Big Horn), Mungas, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Scofield, Tyler, Waldrop. Total 28.

Absent and not voting: Anderson (Chouteau), Bower, DeDobbeleer, Haugan, Holecek, Joffray, Kelson, Kruse, Longenecker, Metlen, Nelson, Padbury, Peterson (Sheridan), Stortz, Toomey, Trandum. Total 16.

After objection to reverting to Order of Business No. 6, it was moved by Campbell, duly seconded and carried by a two-thirds majority, that the House revert to Order of Business No. 6.

### MOTIONS AND RESOLUTIONS

It was moved by Campbell, duly seconded and carried, that House Bill No. 327 be taken from the Committee on Engrossing and placed at the head of the list on General Orders.

It was moved by Stromnes, duly seconded, that Substitute House Bill No. 155 be indefinitely postponed. On substitute motion, it was moved by Minette, duly seconded and carried, that the motion by Stromnes to indefinitely postpone Substitute House Bill No. 155 be laid on the table.

It was moved by Levissee, duly seconded and carried, that the House reconsider its action on House Bill No. 86 and place it at the head of Third Reading.

It was moved by Spiegel, duly seconded and carried, that House Bill No. 361 be taken from the Committee on Engrossing and referred to General Orders.

House Resolution No. 10, introduced by Stortz: "A Resolution memorializing the Congress of the United States, endorsing the passage and approval of the Joint Resolution introduced in the United States Senate by the Honorable B. K. Wheeler and the Honorable Homer T. Bone, providing for a Constitutional Amendment"

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the members of the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana, respectfully represent as follows, that:

WHEREAS, there is now a nation-wide demand for the curbing of certain powers and functions of the Judiciary of the United States; and

WHEREAS, the Senior Senator of Montana, the Honorable B. K. Wheeler, and the Honorable Homer T. Bone, Senator from Washington, have introduced a Joint Resolution providing for a constitutional amendment which offers a permanent relief from judicial supremacy through constitutional processes, and

WHEREAS, the Senators have called attention specifically to that provision of the Constitution which would enable an amendment to be speedily ratified by conventions called in each state, and

WHEREAS, the proposal outlined by Senator Wheeler offers the most fundamental, permanent and orderly method of providing for said re-organization of constitutional powers and functions, now, therefore,

BE IT RESOLVED, That the House of Representatives of the State of Montana hereby petition the Congress of the United States for the early passage of the Joint Resolution introduced by Senator Wheeler and Senator Bone, and

BE IT FURTHER RESOLVED, That the Secretary of State be instructed to transmit copies of this Resolution to the Honorable Franklin D. Roosevelt, President of the United States; to the Honorable Homer T. Bone, United States Senator from Washington; to the Honorable B. K. Wheeler, and to the Honorable James E. Murray, United States Senator from Montana; to the Honorable James O'Connor and to the Honorable Jerry J. O'Connell, Representatives of Montana in Congress.

It was moved by Stortz, duly seconded, that the House Resolution No. 10 be adopted. A roll call, to be entered in the Journal, was demanded by the required number, and the motion carried by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cusick, Daly, D'Ewart, Dougherty, Elliott, Finnegan, Hess, Lemmer, Lippard, McClain, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Peterson (Pondera), Ruffcorn, Schneider, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Vanek, Whaley. Total 44.

Noes: Acher, Cohen, Conner, Freshman, Goodwin, Green, Haight, Hardcastle, Heavlin, Hedden, Hoiness, Ijams, Jackson, Lambert, Lasby, Leeson, Longenecker, Lovell, McKenna, McLeod, Mulholland, Mungas, O'Connor, O'Shea, Parker, Phelan, Scofield, Scott, Shanley, Sherman, Tyler, Waldrop, Wenger, Wood. Total 34.

Absent and not voting: Crouse, Cruickshank, DeDobbeleer, Eggenberger, Hamilton, Haugan, Holecek, Joffray, Johnson, Kelson, Kruse, Lehrkind, Levissee, Love, Manning, Metlen, Mitchell, Nelson, Padbury, Peterson (Sheridan), Reed, Toomey, Trandum, Mr. Speaker. Total 24.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Brennan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 337 be amended as follows:

Amend Section 2 by adding after line 343 the following words and figures: "State Fair

From the General Fund

For the operation of a State Fair, Thirty Thousand Dollars....30,000.00

In addition thereto all fees and collections are hereby appropriated."

Amend Section 3 by adding on page 14 before line 10 the following: "all fees and earnings are hereby appropriated to be used in connection with the Livestock Sanitary Board as salaries and expenses." and as amended do pass.

That House Bill No. 361 be amended as follows:

Amend Section 1, by striking out in line 24 and 25 the words "unless such employee shall have given 72 hours thereafter." and as amended do pass.

That House Bill No. 160 do pass.

That House Bill No. 205 do pass.

That House Bill No. 375 do pass.

That Substitute House Bill No. 120 be amended as follows:

Amend Section 1 by striking out in lines 16 and 17 the sentence beginning with the words "The fee for such" and as amended do pass.

That House Bill No. 350 do pass.

That House Bill No. 365 be amended as follows:

Amend Section 1 by striking out in line 9 after the word "shall" the words "not exceed" and insert in lieu thereof the word "be" and in line 12 after the word "whose" strike out the word "gross" and insert in lieu thereof the word "net" and as amended do pass.

That House Bill No. 366 do pass.

That House Bill No. 369 do pass.

That House Bill No. 399 do pass.

That House Bill No. 364 do pass.

That House Bill No. 370 be amended as follows:

Amend Section 1 by striking out in line 7 after the word "dollar" the semi-colon and adding a period and adding the words "It is further" and striking out the letter "s" in the same line in the word "dealers"; in line 8 strike out the letter "y" in the word "refinery"; in line 10 strike out the word "that" after the word "gasoline" and insert in lieu thereof the word "as" and in line 10 strike out the letter "y" in "refinery" and the letter "s" in "dealers"; in line 11, add "ing" to the word "be" and after the word "have" in line 11 strike out the word "their" and insert in lieu thereof the word "his", and as amended do pass.

BRENNAN, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 9:30 o'clock A. M. Saturday morning, February 20th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FORTY-EIGHTH DAY

House of Representatives,  
Helena, Montana,  
February 20th, 1937.

House convened, pursuant to adjournment, at 9:30 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Haugan, Kelson, Love, Masterson, Peterson (Sheridan).

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-seventh Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to confer with a like Committee from the Senate on Senate Amendments to House Bill No. 63, beg leave to report as follows: That Senate Committee agrees to recede from its Amendments to House Bill No. 63, which will return the said Bill to its original form.

ANDERSON, (Silver Bow),  
SORTE,  
KRUSE,

For the House.

PAGE,  
HAMMOND,  
MURPHY,

For the Senate.

On motion of Anderson (Silver Bow), duly seconded, report of Conference Committee on Senate Amendment to House Bill No. 63 was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, Measure, Metcalf, Miles, Miller (Roosevert), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Smith, Sorte, Stimatz, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: D'Ewart, Lambert, Monahan. Total 3.

Absent and not voting: Acher, Campbell, Freshman, Green, Haight, Hamilton, Haugan, Holecek, Kelson, Lehrkind, Levissee, Love, McLeod, Mackie, Manning, Masterson, Metlen, O'Connor, Padbury, Peterson (Sheridan), Schneider, Shanley, Spiegel, Stromnes, Tyler. Total 25.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bill Nos. 344, 284, 170, 197, 303, 340, 212, 235, 379, 53, 396 and House Memorial No. 4.

MACKIE, Chairman.

Report adopted.



The Committee on Engrossing reported the following bills correctly engrossed: House Bills No. 394 and 361.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 295, respectfully report as follows: That House Bill No. 295 do not pass.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 309, respectfully report as follows: That House Bill No. 309 be reported without recommendation.

It was moved by Manning, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Chatham, duly seconded and carried, that House Bill No. 309 be printed and placed on General Orders.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 310, respectfully report as follows: That House Bill No. 310 be reported without recommendation.

It was moved by Manning, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Chatham, duly seconded and carried, that House Bill No. 310 be printed and placed on General Orders.

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 375, 364, 366, 369, 350 and 160.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 399, 231, 205 and 362.

PETERSON (Pondera), Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day recommended for non-concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 111 and 113.

House Bill No. 221 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence:

Senate Joint Memorials Nos. 6 and 7, Senate Bills Nos. 72, 125, 129 and 148.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

#### INTRODUCTION OF BILLS

The following were introduced, read first and second times, and referred to committees:

Senate Joint Memorial No. 6, introduced by Committee on Agriculture: A Joint Memorial to the Congress of the United States requesting the enactment into law the "Normal-Granary and Crop Insurance Program." Referred to the Committee on Agriculture.

Senate Joint Memorial No. 7, introduced by Committee on Agriculture: A Resolution memorializing the Congress of the United States; providing for extending the time of the present interest rate on all Federal Farm Loans. Referred to the Committee on Agriculture.

Senate Bill No. 72, introduced by Cooper: A Bill for an Act entitled: "An Act authorizing the Board of County Commissioners to acquire, erect, furnish, maintain and operate public hospitals in counties wherein no adequate hospital facilities exist; authorizing the Board of County Commissioners to charge patients for the use thereof; to lease the said property for the operation thereof; providing for the disposition of moneys received from the lease or operation of such hospitals; and to amend Section 4465.29 of the Revised Codes of Montana, 1935, and repealing all Acts or parts of Acts in conflict herewith." Referred to the Committee on Townships and Counties.

Senate Bill No. 148, introduced by Oliver: A Bill for an Act entitled: "An Act legalizing and validating elections heretofore held in any county to authorize the issuance of bonds for a high school building and dormitory under Chapter 117, Revised Codes of Montana, 1935, and all proceedings relating to the issuance of such bonds." Referred to the Committee on Judiciary.

Senate Bill No. 125, introduced by Weinschrott, Anderson, Hollenback, Starks, Angvick, Mann, Chapman, Kathan, Liess, Plank, Ecton, Garrison, Plumer, Robson, Armstrong, Arnold: A Bill for an Act entitled: "An Act to provide for the conservation, protection, improvement and profitable use of the agricultural resources of the State of Montana; to provide for the cooperation and coordination by the state and the governmental units of the United States; pursuant to the provisions of an Act of Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said Act; to create, designate, authorize and constitute the Montana Agricultural Conservation Board as the state agency of Montana to formulate, submit to the Secretary of Agriculture of the United States or other designated federal Agency and to aid, carry out and administer state-wide plans to effectuate the object, purposes and benefits of the provisions of this Act and to create and define the powers and duties of the said Montana Agricultural Conservation Board as such state agency." Referred to the Committee on Agriculture.

Senate Bill No. 129, introduced by Harlen: A Bill for an Act entitled: "An Act to amend Section 2815.77 of the Revised Codes of Montana, 1935, as amended by Substitute Senate Bill No. 4, of the Acts of the Twenty-fifth Legislative Assembly, 1937, relating to permits for residents and temporary residents, special permits—fees and refunds to permittees and repealing all Acts and parts of Acts in conflict herewith." Referred to the Committee on State Boards and Offices.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 86, introduced by Levissee, Alvord, Cruickshank, Lehrkind, O'Shea and Padbury, being a constitutional amendment, and having been read three several times, was passed by the necessary two-thirds vote

of the entire membership of the House as required by Section 9, of Article 19 of the State Constitution, and in compliance with the provisions thereof, the bill is set forth in its entirety as follows: A Bill for an Act entitled: "An Act to provide for the submission of the qualified electors of the State of Montana of an amendment to section 5 of article XVI of the Constitution of the State of Montana relating to the qualifications and terms of office of county officers."

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Article XVI of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1938.

Section 2. That Section 5 of Article XVI of the Constitution of the State of Montana be, and the same is hereby amended, so as to read as follows: "Section 5. There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by Section 2 of Article IX of this constitution and such other qualifications as may be prescribed by law:

One county clerk who shall be clerk of the board of county commissioners and ex-officio recorder; one sheriff; one treasurer, who shall be collector of the taxes, provided, that the county treasurer shall not be eligible to his office for the succeeding term; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of four (4) years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election; provided, however, that the board of county commissioners of any county may, in its discretion, consolidate any two or more of the within named offices and combine the powers and the duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the board of county commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid offices, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order."

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot, provided by Section 678, Revised Codes of Montana, 1935, and as provided by law, and there shall be printed on such ballot the title of this Act and the following words:

☐

For the above amendment,

☐

Against the above amendment.

The elector shall designate his preference for either of the propositions by making an X before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amend-

ment, the Governor of the State shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

House Bill No. 86 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Goodwin, Haight, Hamilton, Heavlin, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Longenecker, Lovell, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Stimatz, Stromnes, Toomey, Trandum, Tyler, Waldrop, Wenger, Whaley, Dougherty, Mr. Speaker. Total 74.

Noes: Anderson (Silver Bow), Chamberlain, Finnegan, Freshman, Green, Hardcastle, Ijams, Lambert, Leeson, McClain, McKenna, Miller (Big Horn), Mitchell, Mulholland, Spiegel, Wood. Total 16.

Absent and not voting: Acher, Campbell, Haugan, Kelson, Levissee, Lippard, Love, Masterson, Peterson (Sheridan), Shanley, Stortz. Total 11.

Passed their vote: Vanek. Total 1.

House Bill No. 347 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Longenecker, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Trandum, Tyler, Waldrop, Wenger. Total 52.

Noes: Anderson (Chouteau), Burns, Chamberlain, Cusick, Daly, DeDobbeleer, Eggenberger, Finnegan, Green, Haight, Hess, Holecek, Ijams, Lambert, Lasby, Lippard, Lovell, McClain, McLeod, Measure, Metcalf, Miller (Big Horn), Parker, Peterson (Pondera), Spiegel, Stortz, Stromnes, Vanek, Whaley, Wood, Mr. Speaker. Total 31.

Absent and not voting: Anderson (Lincoln), Bjerneby, Campbell, Chatham, Elliott, Haugan, Joffray, Kelson, Levissee, Love, McKenna, Mackie, Manning, Masterson, Minette, Peterson (Sheridan), Shanley, Stimatz, Toomey. Total 19.

House Bill No. 384 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Freshman, Mr. Speaker. Total 78.

Noes: Anderson (Chouteau), Anderson (Lincoln), Chamberlain, Daly, Hess, Lambert, Lasby, Stimatz. Total 8.



Absent and not voting: Campbell, Chatham, Elliott, Haugan, Heavlin, Kelson, Love, Manning, Masterson, Metlen, Minette, Peterson (Sheridan), Shanley, Stromnes, Toomey, Whaley. Total 16.

House Bill No. 283 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bower, Brayman, Brennan, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Johnson, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 72.

Noes: Anderson (Phillips), Green, Haight, Hedden, Hoiness, Jackson, Lasby, Longenecker, Miller (Big Horn), Minette, O'Connor, Toomey, Wood. Total 13.

Absent and not voting: Bloom, Burns, Campbell, Cruickshank, Haugan, Holecek, Joffray, Kelson, Kruse, Lippard, Love, Manning, Masterson, Metlen, Padbury, Parker, Peterson (Sheridan). Total 17.

House Bill No. 288 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 81.

Noes: Anderson (Lincoln). Total 1.

Absent and not voting: Campbell, Cruickshank, Daly, Green, Haugan, Holecek, Joffray, Kelson, Lambert, Lehrkind, Love, McLeod, Manning, Masterson, Metlen, Miller (Big Horn), Padbury, Peterson (Sheridan), Sherman, Wenger. Total 20.

House Bill No. 358 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Lovell, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Hedden, Holecek, Longenecker, Miller (Big Horn). Total 4.

Absent and not voting: Campbell, Chatham, Crouse, Green, Haugan, Joffray, Kelson, Lambert, Levissee, Love, McClain, Manning, Masterson,

Metlen, Minette, Padbury, Peterson (Sheridan), Sherman, Stromnes. Total 19.

House Bill No. 394 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Freshman, Green, Haight, Hamilton, Hardcastle, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, McClain, McKenna, McLeod, Mackie, Metcalf, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Goodwin, Hedden, Lambert, Lasby, Longenecker, Sorte. Total 6.

Absent and not voting: Brayman, Campbell, Chatham, Elliott, Haugan, Heavlin, Holecek, Kelson, Love, Lovell, Manning, Masterson, Measure, Metlen, Miller (Big Horn), Mitchell, Peterson (Sheridan), Shanley, Stromnes, Vanek, Waldrop, Finnegan. Total 22.

Senate Amendments to House Bill No. 216 were concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Brennan, Burns, Chamberlain, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hardcastle, Hedden, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Metcalf, Miles, Miller, (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Stortz, Trandum, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 70.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Bower, Cohen, Conner, Goodwin, Hamilton, Ijams, McLeod, Mitchell. Total 10.

Absent and not voting: Acher, Brayman, Campbell, Chatham, Haugan, Heavlin, Hess, Kelson, Lambert, Love, Manning, Masterson, Measure, Metlen, Minette, Peterson (Sheridan), Spiegel, Stimatz, Stromnes, Toomey, Vanek, Whaley. Total 22.

House Bill No. 318 was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Bjerneby, Bower, Brayman, Burns, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Green, Hardcastle, Haugan, Hedden, Hess, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, McClain, McKenna, Mackie, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, O'Connor, O'Shea, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Wenger, Whaley, Mr. Speaker. Total 64.

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Chamberlain, Conner, Goodwin, Haight, Hamilton, Heavlin, Hoiness, Ijams, Lasby, Levissee, Lippard, Longenecker, Lovell, McLeod, Metcalf, Peterson (Pondera), Sherman, Vanek, Wood. Total 24.

Absent and not voting: Brennan, Campbell, Chatham, Elliott, Kelson, Love, Manning, Masterson, Minette, Nelson, Peterson (Sheridan), Smith, Stromnes, Waldrop. Total 14.

House Bill No. 380 being a constitutional amendment, requiring a two-thirds vote, failed to pass by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Cusick, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Jackson, Joffray, Johnson, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Ruffcorn, Schneider, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Mr. Speaker. Total 62.

Noes: Crouse, Cruickshank, Daly, D'Ewart, Heavlin, Ijams, Kruse, Longenecker, Miles, Miller (Big Horn), O'Connor, O'Shea, Phelan, Reed, Scofield, Sherman, Toomey, Trandum, Wenger, Wood, Lovell. Total 21.

Absent and not voting: Campbell, Chatham, Eggenberger, Elliott, Green, Haugan, Hoiness, Holecek, Kelson, Lasby, Love, Manning, Master-son, Metlen, Miller (Roosevelt), Minette, Peterson (Sheridan), Stromnes, Whaley. Total 19.

House Bill No. 218 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Kruse, Lambert, Leeson, Lemmer, Levissee, Lippard, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 83.

Noes: Lasby. Total 1.

Absent and not voting: Campbell, Chatham, Cohen, Haugan, Holecek, Joffray, Johnson, Kelson, Lehrkind, Longenecker, Love, Lovell, Masterson, Minette, Peterson (Sheridan), Stromnes, Toomey, Trandum. Total 18.

House Bill No. 377 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Monahan, Nelson, O'Connor, O'Shea, Padbury, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 72.

Noes: Anderson (Lincoln), Freshman, Lambert, Mitchell, Mulholland, Mungas, Stimatz. Total 7.

Absent and not voting: Brayman, Campbell, Chatham, Haight, Haugan, Heavlin, Hedden, Hoiness, Holecek, Kelson, Love, Manning, Masterson, Metlen, Miles, Minette, Parker, Peterson (Sheridan), Spiegel, Stromnes, Toomey, Trandum, Whaley. Total 23.

Senate Bill No. 107 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan,



Burns, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hess, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 74.

Noes: None.

Absent and not voting: Bjorneby, Campbell, Chatham, Conner, Cusick, Dougherty, Haight, Haugan, Heavlin, Hedden, Hoiness, Holecek, Kelson, Love, Mackie, Manning, Masterson, Metlen, Minette, Nelson, O'Shea, Peterson (Sheridan), Shanley, Stimatz, Stromnes, Toomey, Trandum, Whaley. Total 28.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Joffray in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 352 do pass.

That House Bill No. 335 be amended as follows:

After the title insert in the following sentence: "Be It Enacted by the Legislative Assembly of the State of Montana:"

Amend Section 1 by striking out in line 5 the words and figures "twenty-five dollars (\$25.00)" and inserting in lieu thereof the words and figures "Fifteen Dollars (\$15.00)" And as amended do pass.

That House Bill No. 374 do pass.

That Senate Amendments to House Bill No. 144 be not concurred in and a conference committee be appointed by the House and a like Committee requested from the senate.

That Senate Amendments to House Bill No. 82 be concurred in.

That House Joint Memorial No. 11 do pass.

That the enacting clause be stricken from House Bill No. 321.

That Senate Amendments to House Bill No. 89 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Substitute House Bill No. 339 be amended as follows: Amend Section 1 in sub-division 8, line 25 after the word "purchase" by inserting the words "by option or otherwise". Amend in line 30 after word "nor" by inserting the words "exercise an option of". And as amended do pass.

That House Bill No. 371 be amended as follows:

Amend Section 1 by striking out all of lines 1 and up to the figures "1935" and inserting in lieu thereof the following: "Section 1. That Section 5309.14 of the Revised Codes of Montana,"

Amend Section 2 by striking out all of lines 1 and up to the figures "1935" and inserting in lieu thereof the following: "Section 2. That Section 5309.15 of the Revised Codes of Montana,"



Strike out all of Section 3 and lines 1, 2 and 3 and the words and figures "Section 25" in line 4 and insert in lieu thereof the following: "Section 3. That Section 5309.25 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Section 5309.25."

Amend Section 5 by striking out lines 1, 2 and 3 and inserting in lieu thereof the following: "Section 4. A new section to be numbered Section 5309.37 is added to Chapter 404 of the Political Code of the Revised Codes of Montana, 1935, such section to read as follows:" ; and amend line 4 by striking the figures "30" and inserting in lieu thereof the figures "5309.37."

Amend Section 6 by striking out all of lines 1, 2 and 3 and inserting in lieu thereof the following: "Section 5. A new section to be numbered Section 5309.38 is added to Chapter 404 of the Political Code of the Revised Codes of Montana, 1935, such section to read as follows: and amend in line 4 by changing the figures "31" to "5309.38"; and amend in line 25 by striking out the figure "17" and inserting in lieu thereof the figures "5309.17" and strike out in line 28 the figures "17" and "22" and inserting in lieu thereof the figures "5309.17" and "5309.22"; number Section 7 as 6, Section 8 as 7 and Section 9 as 8.

Amend the title by striking out in line 1 beginning with the word "Chapter" down to and including the word "Montana" and inserting in lieu thereof "Chapter 404, Sections 5309.14, 5309.15, 5309.25, Revised Codes of Montana, 1935, and by adding two new sections known as 5309.37 and 5309.38 of the Revised Codes of Montana, 1935," and by striking out in line 6 beginning with the word "by" up to and including the word "thirty-one" in line 12 and strike the period and quotation at the end of the title and insert "and repealing all Acts and parts of Acts in conflict herewith."

And as amended do pass.

That House Bill No. 238 do pass.

That House Joint Resolution No. 4 be amended as follows: Amend in line 45 by striking out the word "ratify" and insert in lieu thereof the words "utilize his office for the ratification of" and in line 62 by inserting after the word "transmitted" the words "by the Secretary of State". And as amended do pass.

JOFFRAY, Chairman.

It was moved by Joffray, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Metlen, duly seconded and carried, that Senate Amendments to House Bill No. 89 be segregated from the report of the Committee of Whole.

On substitute motion, it was moved by Brennan, duly seconded, that House Bill No. 321 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number.

On substitute motion, for all motions pending, it was moved by O'Connor, duly seconded, that the motion of Brennan be laid on the table. A roll call was demanded by the required number. Motion was lost by the following vote: Ayes: 7; Noes: 80; Absent and not voting: 15.

Whereupon motion to segregate House Bill No. 321 was carried by the following vote:

Ayes: Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Conner, Cusick, DeDobbeleer, Dougherty, Finnegan, Hess, Jackson, Joffray, Johnson, Lambert, Leeson, McClain, McKenna, McLeod, Mackie, Manning, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Vanek, Waldrop, Whaley. Total 45.

Noes: Acher, Anderson (Chouteau), Anderson (Phillips), Chatham, Cohen, Crouse, Cruickshank, D'Ewart, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Holecek, Ijams, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, Metcalf, Metlen, Miller (Big Horn), Mungas, O'Connor, Padbury, Scofield, Stimatz, Stromnes, Toomey, Trandum, Wenger, Wood, Mr. Speaker. Total 42.

Absent and not voting: Alvord, Bjerneby, Campbell, Daly, Haugan, Kelson, Lippard, Love, Masterson, Measure, Minette, Peterson (Sheridan), Schneider, Smith, Tyler. Total 15.

Whereupon motion to adopt the report of the Committee of the Whole, as amended, was carried.

### MOTIONS AND RESOLUTIONS

It was moved by Manning, duly seconded and carried, that House Bill No. 321 be taken from General Orders and re-referred to the Committee on Appropriations.

Mr. Speaker: We, your Committee on Enrolling report the following bills correctly enrolled: House Bills Nos. 9, 222, 126 and Substitute House Bill No. 31.

McKENNA, Chairman.

Report adopted.

I have examined enrolled Substitute House Bill No. 31, introduced by me, and find the same to be correct.

CONNER.

I have examined enrolled House Bill No. 126, introduced by me and find the same to be correct.

WOOD.

I have examined enrolled House Bill No. 222, introduced by me, and find the same to be correct.

MUNGAS.

I have examined enrolled House Bill No. 9, introduced by me, and find the same to be correct.

ANDERSON (Phillips).

The Speaker signed the following in Open Session: Substitute House Bill No. 31 and House Bills Nos. 9, 222 and 126.

### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor gave notice that he had this day approved the following House Bills: Nos. 32, 93, 115 and 116.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, requests the House to return to the Senate House Bill No. 113 for further consideration.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the request of the Honorable Senate to return House Bill No. 113 be granted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:30 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker announced the following special committees:

Conference Committee on Senate Amendments to House Bill No. 30  
—Lemmer, Bloom and Miles.

Conference Committee on Senate Amendments to House Bill No. 144.  
—Hedden, Haight and Longenecker.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 357, 319, 313, 161, 158, 381, 42, 392, 292, 405, 289 and 199.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 139, respectfully report as follows: That House Bill No. 139 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 57, respectfully report as follows: That House Bill No. 57 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 152, respectfully report as follows: That House Bill No. 152 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 269, respectfully report as follows: That House Bill No. 269 do not pass.

METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Conservation of Resources, having had under consideration House Bill No. 328, respectfully report as follows: That House Bill No. 328 do not pass.

CHATHAM, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health and Sanitary Affairs, having had under consideration House Bill No. 272, respectfully report as follows: That House Bill No. 272 be amended as follows:

By inserting in line nine (9) of the title, after the word "sections" the number "3170" and by striking out the word "towns" in line eighteen (18) of the title and inserting the word "Stores" and by inserting the words "itinerant vendors" after the word "pharmacists" in line nineteen (19) of the title, and adding the letter "s" to the word "sections" in line twenty-two (22) of the title and inserting thereafter the number and word "3202.9 and"

And amend Section Four (4) by inserting after the word "sales" in line fifteen (15), the words "by itinerant vendors and" and by striking out the word "towns" in Section four (4), line Fifteen (15) and inserting the word "stores", and by striking out the words "pharmacies or" in line sixteen (16) of Section four (4) and by striking out the balance

of Section (4) four after the words "drugs" in line two (2) and inserting in lieu thereof the words "do not conform to the regular standards established for drug stores and said dealer continues to sell such drugs, the State Board of Pharmacy is hereby empowered to revoke such dealer's license."

And amend Section seven (7), lines three (3), four (4) page ten (10) by striking out the words "towns of no regularly licensed pharmacies or pharmacists" and inserting the words "stores and by itinerant vendors."

And amend Section nine (9) by striking out the balance of the section after the words "quality" in line seven (7)

And strike out the words "This Act shall be in full force and effect from and after its passage and approval" in Section 15 and insert in lieu thereof the words: "It shall hereafter be unlawful for any person other than a registered pharmacist, as hereinafter defined, to retail, vend, compound, or dispense drugs, medicines, poisons, chemicals, or pharmaceutical preparations, in the State of Montana, or to institute, conduct, or manage a store, shop, pharmacy, or institution for the selling, vending, compounding, or dispensing of drugs, medicines, poisons, chemicals or pharmaceutical preparations in the State of Montana, unless such be a registered pharmacist as in this Act provided, or unless a registered pharmacist is placed in charge of such store, pharmacy, shop or institution for the retailing, vending, compounding, or dispensing of drugs, medicines, poisons, chemicals, and pharmaceutical preparations. Provided that nothing in this Act shall interfere with the business of itinerant vendors or merchants in towns when selling drugs, medicines, pharmaceutical or proprietary medicinal preparations known as common household remedies in original and plainly labeled packages as the public may require. Provided, further, said merchants and itinerant vendors pay the regular license paid by regularly licensed drug stores and come under the supervision of the State Board of Pharmacy."

And add a new section designated as "Section 16. LICENSE FEE. An annual fee of five dollars (\$5.00) shall be required for each license. License shall be made to expire on the next 30th day of June after their issuance."

And add a new section known as "Section 17." "This Act shall be in full force and effect from and after its passage and approval."

And as amended do pass.

IJAMS, Chairman.

It was moved by Ijams, duly seconded, that the report of the committee be adopted. On substitute motion, it was moved by O'Connor, duly seconded and carried, that consideration of House Bill No. 272 be indefinitely postponed.

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 352 and 374 and Substitute House Bill No. 211.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing reported the following bills correctly engrossed: House Joint Memorial No. 11, Substitute House Bill No. 120 and House Bills Nos. 370, 245, 244 and 365.

PETERSON (Pondera), Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day on motion, duly seconded and carried,



requests the House to return House Bill No. 111 to the Senate for further consideration.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the request of the Senate to return House Bill No. 111 be granted.

It was moved by O'Connor, duly seconded and carried, that the House reconsider its action on House Joint Resolution No. 5.

It was moved by Chatham, duly seconded, that the rules of the House be suspended in order to introduce a bill. Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 366 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Hamilton, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lovell, McClain, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Dougherty, Mr. Speaker. Total 72.

Noes: Anderson (Lincoln), Longenecker, O'Connor, O'Shea. Total 4.

Absent and not voting: Bjerneby, Bloom, Campbell, Cohen, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Kelson, Levissee, Lippard, Love, McKenna, McLeod, Mackie, Miles, Mungas, Peterson (Pondera), Peterson (Sheridan), Schneider, Shanley, Stromnes, Trandum, Whaley. Total 26.

House Bill No. 369 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Finnegan, Freshman, Goodwin, Hamilton, Heavlin, Hedden, Hoiness, Ijams, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, Mackie, Manning, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, Padbury, Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Waldrop, Wenger, Mr. Speaker. Total 55.

Noes: Anderson (Phillips), Chamberlain, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Green, Hess, Jackson, Kruse, Lippard, McKenna, Masterson, Metcalf, Mungas, O'Shea, Parker, Scofield, Sorte, Tyler. Total 20.

Absent and not voting: Bjerneby, Campbell, Cusick, Elliott, Haight, Hardcastle, Haugan, Holecek, Kelson, Levissee, Love, Whaley, McClain, McLeod, Measure, Metlen, Miles, Minette, O'Connor, Peterson (Pondera), Peterson (Sheridan), Scott, Stromnes, Toomey, Trandum, Vanek. Total 26.

Passed their vote: Wood. Total 1.

House Bill No. 350 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 80.

Noes: Lasby. Total 1.

Absent and not voting: Bjorneby, Campbell, Chatham, Hardcastle, Holecek, Kelson, Levissee, Love, McLeod, Manning, Measure, Minette, Mulholland, Peterson (Pondera), Peterson (Sheridan), Sherman, Stromnes, Toomey, Trandum, Vanek, Whaley. Total 21.

House Bill No. 375 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 77.

Noes: Smith. Total 1.

Absent and not voting: Anderson (Phillips), Bjorneby, Chatham, Crouse, Cusick, Hardcastle, Kelson, Lehrkind, Levissee, Love, McLeod, Manning, Masterson, Measure, Metlen, Mungas, Padbury, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes, Trandum, Vanek, Whaley. Total 24.

House Bill No. 364 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 81.

Noes: None.

Absent and not voting: Bjorneby, Bloom, Campbell, Holecek, Joffray, Kelson, Lambert, Lehrkind, Levissee, Love, McLeod, Mungas, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Smith, Stromnes, Trandum, Whaley. Total 21.

House Bill No. 160 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Conner,

Crouse, Cruickshank, Cusick, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hess, Hoiness, Holecek, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Big Horn), Minette, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Waldrop, Wenger. Total 63.

Noes: Anderson (Chouteau), Anderson (Lincoln), Cohen, Dougherty, Goodwin, Hardcastle, Hedden, Kruse, Longenecker, Metlen, Miller (Roosevelt), Mitchell, Monahan, Wood, Mr. Speaker. Total 15.

Absent and not voting: Bjorneby, Chatham, Daly, DeDobbeleer, D'Ewart, Haugan, Heavlin, Ijams, Joffray, Kelson, Lehrkind, Levissee, Love, Lovell, McLeod, Manning, Mungas, Peterson (Sheridan), Reed, Stromnes, Trandum, Vanek, Whaley, Eggenberger. Total 24.

House Bill No. 231 failed to pass by the following vote:

Ayes: Acher, Anderson (Silver Bow), Bower, Brennan, Campbell, Chatham, Cohen, Crouse, Cruickshank, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hoiness, Kruse, Lehrkind, Lemmer, Levissee, Lippard, Lovell, Manning, Metcalf, Metlen, Miller (Big Horn), Mulholland, Padbury, Reed, Shanley, Toomey. Total 36.

Noes: Alvord, Anderson (Chouteau), Anderson (Phillips), Bloom, Brayman, Burns, Chamberlain, Conner, Cusick, Daly, DeDobbeleer, Finnegan, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Longenecker, McKenna, Mackie, Masterson, Miles, Miller (Roosevelt), Minette, Monahan, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 47.

Absent and not voting: Anderson (Lincoln), Bjorneby, Heavlin, Holecek, Joffray, Kelson, Love, McLeod, Measure, Mitchell, O'Connor, Peterson (Sheridan), Schneider, Stortz, Stromnes, Trandum, Whaley. Total 17.

Passed their vote: D'Ewart, McClain. Total 2.

The Speaker signed in Open Session the following measures: Senate Bill No. 19, Senate Joint Memorial No. 4 and Senate Joint Memorial No. 3.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Manning in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 226 be amended as follows:

Section 7, Sub-section (d), page 7, line 16, amend by inserting after the word "medical" the words "or licensed physicians or surgeons"

Section VIII, page 14, line 7, add after the word "services" the words "of licensed physicians and surgeons"

Section VII, page 14, line 6, add after the word "services" "or those of other licensed physicians"

Page 25, Sub-section (j), line 33, strike out the word "medical" and insert after the word "examination" the words "by licensed physicians or surgeons"

Page 25, line 38, Sub-section (l), after the word "ophthalmologists," the words "or licensed physicians or surgeons" and strike out the words in line 38 and 39 "duly licensed to practice medicine in Montana"

Page 25, line 41, Sub-section (m), after the word "ophthalmologists" insert a comma and the words "licensed physicians or surgeons"

Page 26, line 5, Sub-section (a), amend by striking the period after the word "ophthalmologist" and adding the words "Optometrist, licensed physician or surgeon."

Page 31, after Sub-section (j), insert a new section as follows: "(k) Nothing in this act shall be construed as authorizing any state or county official, agent or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child, or the person standing in loco parentis to such child, except pursuant to a proper court order." and in line 30, page 31, strike the letter "(k)" and insert in lieu thereof the letter "(l)"

And as amended do pass.

MANNING, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

#### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF SPECIAL COMMITTEES

To the Honorable Speaker and Members of the House of Representatives:

We, your Committee named to visit the Montana State Fair Grounds, and submit a report on the necessity for and the advisability of this body acceding to their request for an appropriation in the sum of thirty thousand dollars (\$30,000.00) beg leave to submit the following report:

The fence surrounding the grounds has been to a large extent rebuilt; the grandstand has been repaired and most of the buildings shingled; most of the property including the grandstand has been painted and generally repaired and a new water line and system installed.

Something over forty thousand dollars (\$40,000.00) has been expended, most of which was supplied by the WPA.

There is something over thirty thousand dollars (\$30,000.00) available from the same source, provided, that some provision is made to ensure the WPA Officials of the intention of the State of Montana to use the property for the purposes for which it was built.

In view of the fact that two previous Sessions of this body voted seventy-five thousand dollars (\$75,000.00) for each of these two fairs, all of which was used and no returns whatsoever was made to the State.

In view of the foregoing and the further fact that the Committee was unable to receive any assurance that the fair would be managed in any different manner in the future than it had been in the past, your Committee cannot in all loyalty recommend that this body vote to throw away another thirty thousand dollars (\$30,000.00).

Very respectfully,

GOODWIN,

Chairman.

On motion of Goodwin, report adopted.



## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Rules, having had under consideration a motion to suspend the rules to allow the introduction of a bill by Representative Chatham, respectfully report as follows: That Rule 57 be not suspended.

SPIEGEL, Chairman.

Report adopted.

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 409, 233, 91, 276, 327, 107, 411, 177, 309 and 382.

MACKIE, Chairman.

Report adopted.

The Committee on Engrossing report the following bills considered engrossed: House Joint Resolution No. 4 and Substitute House Bill No. 211.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing report the following bills correctly engrossed: House Bills No. 80, 252, 335, 298 and 238.

PETERSON (Pondera), Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Burns, duly seconded, that the House reconsider its action on House Bill No. 226. Motion was lost.

It was moved by Stromnes, duly seconded and carried, that House Bill No. 231 be reconsidered.

It was moved by Haight, duly seconded and carried, that the House reconsider its action on Substitute House Bill No. 339.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 399 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levisse, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miller (Roosevelt), Minette, Monahan, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 70.

Noes: Chatham, Daly, Hedden, Miller (Big Horn), Scofield. Total 5.

Absent and not voting: Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bower, Conner, DeDobbeleer, Eggenberger, Freshman, Goodwin, Kelson, Leeson, Lippard, Love, McLeod, Metcalf, Miles, Mitchell, Mulholland, O'Connor, Padbury, Peterson (Sheridan), Scott, Smith, Toomey, Trandum, Whaley, Wood. Total 27.

House Bill No. 205 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Bren-

nan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 82.

Noes: Hess, Lambert. Total 2.

Absent and not voting: Bjerneby, Campbell, Eggenberger, Freshman, Holecek, Joffray, Kelson, Leeson, Lippard, Love, McLeod, Mitchell, Peterson (Sheridan), Schneider, Shanley, Toomey, Whaley, Wood. Total 18.

House Bill No. 362 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hardcastle, Heavlin, Hess, Hoiness, Holecek, Ijams, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Lovell, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 75.

Noes: Anderson (Phillips), Green, Haugan, Hedden, Jackson, Kruse, Levissee, Miller (Big Horn), Minette, Padbury. Total 10.

Absent and not voting: Acher, Eggenberger, Freshman, Hamilton, Kelson, Leeson, Lippard, Longenecker, Love, McLeod, Manning, Mitchell, Peterson (Sheridan), Shanley, Stortz, Toomey, Wood. Total 17.

House Joint Resolution No. 5 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Chamberlain, Cohen, Crouse, Cruickshank, DeDobbeleer, Elliott, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hess, Ijams, Jackson, Lasby, Lehrkind, Lemmer, Manning, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Nelson, Padbury, Shanley, Smith, Spiegel, Stimatz, Stromnes, Wenger, Mr. Speaker. Total 42.

Noes: Brennan, Burns, Cusick, Daly, D'Ewart, Dougherty, Haight, Haugan, Hoiness, Johnson, Kruse, Lambert, Levissee, Longenecker, Lovell, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miller (Big Horn), Mungas, O'Connor, O'Shea, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Trandum, Tyler, Vanek, Waldrop, Whaley. Total 39.

Absent and not voting: Bjerneby, Campbell, Chatham, Conner, Eggenberger, Freshman, Heavlin, Holecek, Joffray, Kelson, Leeson, Lippard, Love, McLeod, Metlen, Mitchell, Parker, Peterson (Sheridan), Stortz, Wood, Toomey. Total 21.

House Bill No. 361 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hardcastle, Hess, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna,

Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 69.

Noes: Crouse, Green, Haugan, Hedden, Hoiness, Jackson, Longenecker, Metlen, Miller (Big Horn), Minette, Peterson (Pondera), Smith. Total 12.

Absent and not voting: Conner, Eggenberger, Freshman, Hamilton, Heavlin, Holecek, Kelson, Leeson, Lippard, Love, McLeod, Masterson, Mitchell, Nelson, Padbury, Peterson (Sheridan), Stortz, Stromnes, Toomey, Trandum, Wood. Total 21.

Senate Amendments to House Bill No. 127 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 79.

Noes: Lambert, Smith. Total 2.

Absent and not voting: Conner, Eggenberger, Freshman, Haight, Hamilton, Heavlin, Hoiness, Joffray, Kelson, Leeson, Lippard, Love, McLeod, Metlen, Mitchell, O'Connor, Padbury, Peterson (Sheridan), Stromnes, Toomey, Wood. Total 21.

Senate Amendments to House Bill No. 82 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 75.

Noes: Bloom, Miles, Stimatz. Total 3.

Absent and not voting: Conner, Cusick, DeDobbeleer, Eggenberger, Haight, Hamilton, Heavlin, Joffray, Kelson, Kruse, Leeson, Lippard, Love, McLeod, Mackie, Manning, Minette, Mitchell, Peterson (Sheridan), Scott, Smith, Stortz, Toomey, Wood. Total 24.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Manning in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 196 be amended as follows:

Amend Section 11, Sub-section 1, line 3 by striking out the words "or apparently" and in line 4 the words "or her"

Amend Section 30 by striking after the word "follows" in line 3 all of the remainder of the section and inserting in lieu thereof the following "fifty percent (50%) to the State Public School General Fund and fifty per cent (50%) to the Public Welfare Fund for the administration of the social security laws."

And as amended do pass.

That House Bill No. 227 do pass.

Motion to recommend House Bill No. 254 for passage lost.

That House Bill No. 376 do pass.

That the enacting clause be stricken from House Bill No. 391.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by O'Connor, duly seconded, that House Bill No. 391 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number and motion was lost by the following vote:

Ayes: Acher, Anderson (Phillips), Bloom, Campbell, Crouse, Cruickshank, Daly, D'Ewart, Elliott, Green, Haight, Haugan, Heavlin, Hedden, Hoiness, Holecek, Joffray, Kruse, Lasby, Longenecker, Lovell, Manning, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Scofield, Shanley, Smith, Spiegel, Stimatz, Stromnes, Trandum, Vanek, Wood. Total 39.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Cusick, DeDobbeleer, Dougherty, Finnegan, Goodwin, Hamilton, Hardcastle, Hess, Ijams, Jackson, Johnson, Lambert, Lemmer, Levissee, McClain, McKenna, Mackie, Masterson, Measure, Miller (Roosevelt), Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 51.

Absent and not voting: Eggenberger, Freshman, Kelson, Leeson, Lehrkind, Lippard, Love, McLeod, Mitchell, Peterson (Sheridan), Stortz, Toomey. Total 12.

Whereupon the report of the Committee of the Whole was adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M., Sunday morning, February 21st, 1937.

H. D. ROLPH,

JOHN J. JEWELL, Chief Clerk.

Speaker.

#### FORTY-NINTH DAY

House of Representatives,  
Helena, Montana,  
February 21, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Kelson, Lippard, Love, Peterson of Sheridan and Stromnes.



Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-Eighth Legislative Day, find the same to be correct.  
HAIGHT, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bills No. 142, 216 and 221.  
McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 142, introduced by me and find the same to be correct.

HAIGHT.

I have examined enrolled House Bill No. 216, introduced by me and find the same to be correct.

HOINESS.

I have examined enrolled House Bill No. 221, introduced by me and find the same to be correct.

BOWER.

The Speaker signed the following measures in Open Session: House Bills Nos. 142, 216 and 221.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 92 respectfully report as follows: That House Bill No. 92 do not pass.

CAMPBELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 110, respectfully report as follows: That House Bill No. 110 do not pass.

CAMPBELL, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in Senate amendments: House Bills No. 75, 143, 189 and 271.

The President of the Senate this day, on motion and at the request of the House, appointed the following Senators to act with a like committee from the House for the consideration of Senate amendments to House Bill No. 30: Sullivan (Chouteau), Arnold and Harlen.

House Bill 113, which was this day recalled from the House for further consideration, is herewith returned, the motion to reconsider action having been tabled.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 192 and 193.

The Senate this day adopted the report of the Joint Conference Committee on Senate amendments to House Bill No. 63.

The following House Bills this day failed of concurrence in the Senate, and bills are herewith returned to the House: Substitute House Bill No. 10, House Bills Nos. 203, 264 and 176.

Respectfully,  
 GEORGE A. BURR,  
 Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Anderson of Phillips, duly seconded and carried, that all bills reconsidered be put on the bottom of the list on General Orders, except revenue, social security and appropriation measures.

It was moved by Metcalf, duly seconded and carried, that House Bill No. 231 be taken from Third Reading and placed on General Orders.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length).

House Bill No. 352 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Longenecker, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: Stimatz. Total 1.

Absent and not voting: Chatham, Eggenberger, Ijams, Kelson, Lehrkind, Levissee, Lippard, Love, Lovell, McLeod, Manning, Minette, O'Connor, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Stortz, Stromnes, Toomey, Waldrop. Total 21.

House Bill No. 374 being a Constitutional Amendment requiring a two-thirds vote, failed to pass by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Campbell, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Elliott, Finnegan, Haight, Heavlin, Hedden, Hoiness, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Longenecker, McKenna, Mackie, Masterson, Metlen, Miles, Miller (Roosevelt), Minette, Monahan, Mungas, Nelson, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Stortz, Trandum, Tyler, Vanek, Wenger, Mr. Speaker. Total 52.

Noes: Anderson (Silver Bow), Burns, Chamberlain, Cohen, Conner, Cusick, Dougherty, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Holecek, Jackson, Lambert, Leeson, McClain, Measure, Metcalf, Miller (Big Horn), Mitchell, Mulholland, O'Shea, Scott, Spiegel, Stimatz, Whaley, Wood. Total 30.

Absent and not voting: Brennan, Chatham, Eggenberger, Ijams, Joffray, Kelson, Levissee, Lippard, Love, Lovell, McLeod, Manning, O'Connor, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Stromnes, Toomey, Waldrop. Total 20.

House Bill No. 244 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Goodwin, Haight, Haugan, Heavlin, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, Masterson, Measure, Metcalf, Miles, Miller (Big Horn), Monahan, Mungas, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Toomey, Trandum, Tyler, Vanek, Waldrop, Whaley, Mr. Speaker. Total 70.

Noes: Finnegan, Freshman, Hardcastle, Leeson, Mulholland, Sherman, Smith, Spiegel, Stimatz, Wenger, Wood. Total 11.

Absent and not voting: Campbell, Eggenberger, Green, Hamilton, Hedden, Kelson, Lippard, Longenecker, Love, McLeod, Mackie, Manning, Metlen, Miller (Roosevelt), Minette, Mitchell, Padbury, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes. Total 21.

House Bill No. 245 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lehrkind, Lemmer, Levissee, McClain, McKenna, Mackie, Masterson, Measure, Miller (Roosevelt), Mitchell, Monahan, Mulholland, O'Connor, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Wood. Total 65.

Noes: Bjorneby, D'Ewart, Haight, Hoiness, Lambert, Lasby, Leeson, Lovell, Metcalf, Miller (Big Horn), Mungas, Nelson, O'Shea, Smith, Stimatz, Tyler, Whaley. Total 17.

Absent and not voting: Bower, Burns, Eggenberger, Holecek, Joffray, Kelson, Lippard, Longenecker, Love, McLeod, Manning, Metlen, Miles, Minette, Padbury, Peterson (Pondera), Peterson (Sheridan), Stromnes, Mr. Speaker. Total 19.

Passed their vote: Anderson (Lincoln). Total 1.

House Bill No. 365 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood. Total 77.

Noes: Miles. Total 1.

Absent and not voting: Bower, Cusick, Eggenberger, Heavlin, Joffray, Kelson, Lippard, Longenecker, Love, Lovell, McLeod, Manning, Metlen, Minette, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Stortz, Stromnes, Trandum, Tyler, Mr. Speaker. Total 23.

Passed their vote: Haight. Total 1.

House Joint Memorial No. 11 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Levissee, Lippard, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: None.

Absent and not voting: Bower, Chatham, Cohen, Cusick, Dougherty, Eggenberger, Hamilton, Heavlin, Holecek, Joffray, Kelson, Lemmer, Longenecker, Love, Manning, Measure, Minette, Padbury, Peterson (Pondera), Peterson (Sheridan), Smith, Stortz, Stromnes. Total 23.

House Bill No. 370 failed to pass by the following vote:

Ayes: Acher, Alvord, Bjorneby, Bloom, Burns, Conner, Dougherty, Finnegan, Green, Haight, Heavlin, Joffray, Lambert, Lasby, Leeson, McClain, McLeod, Masterson, Metcalf, Nelson, Parker, Phelan, Reed, Schneider, Scott, Sherman, Spiegel, Stimatz, Tyler. Total 30.

Noes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Brennan, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McKenna, Mackie, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mungas, O'Connor, O'Shea, Ruffcorn, Scofield, Shanley, Smith, Sorte, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 58.

Absent and not voting: Bower, Brayman, Eggenberger, Kelson, Lippard, Love, Manning, Padbury, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes. Total 12.

Passed their vote: Monahan, Mulholland. Total 2.

Substitute House Bill No. 120 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, McClain, McKenna, Mackie, Masterson, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Parker, Phelan, Reed, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: Measure, Miles, O'Shea, Scofield, Scott, Smith, Stimatz. Total 7.

Absent and not voting: Anderson (Chouteau), Campbell, Chatham, Dougherty, Eggenberger, Holecek, Kelson, Lippard, Love, Lovell, Manning, Padbury, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes, Trandum. Total 17.

Passed their vote: McLeod, Mungas. Total 2.



House Bill No. 343 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Holecek, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Master-son, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Green, Hedden, Hoiness, Jackson, Miller (Big Horn), Minette, Phelan, Scofield, Toomey. Total 9.

Absent and not voting: Campbell, Chatham, Eggenberger, Kelson, Lippard, Longenecker, Love, Manning, Padbury, Peterson (Pondera), Peterson (Sheridan), Stortz, Stromnes, Trandum. Total 14.

### MOTIONS AND RESOLUTIONS

It was moved by Campbell, duly seconded and carried, that Senate Bill No. 42 be returned to the Senate as the House could not accept the bill which was in violation of Joint Rule No. 24.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 276 do pass.

That House Bill No. 177 be amended as follows:

Amend Section 8 by striking out in line 3 after the word "The" the word "Common" and inserting in lieu thereof the words "State Public" and strike out in line 4 the words "State Relief" and in lieu thereof insert "Public Welfare".

Amend Section 20 by striking out in line 4 the words and figures "twenty-five per centum (25%)" and inserting in lieu thereof the words "thirty-five per centum (35%)".

(Committee of the Whole—House No. 177, printed bill)

Amend Section 20 by striking out in line 18 after the period the remainder of the section; and as amended do pass.

O'CONNOR, Chairman.

It was moved by O'Connor, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Hedden, duly seconded that House Bill No. 177 be segregated from the report of the Committee of the Whole. A roll call to be entered in the Journal, was demanded by the required number and the motion lost by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bower, Brennan, Chamberlain, Conner, Crouse, Daly, DeDobbeleer, D'Ewart, Green, Haugan, Hedden, Hoiness, Holecek, Johnson, Kruse,

Longenecker, McKenna, Metcalf, Miller (Roosevelt), Nelson, Peterson (Pondera), Phelan, Shanley, Sorte, Stimatz, Trandum, Vanek, Wood. Total 33.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Bloom, Brayman, Burns, Campbell, Chatham, Cohen, Cruickshank, Cusick, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Joffray, Lasby, Lemmer, Levissee, Lovell, McClain, McLeod, Measure, Metlen, Miles, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, O'Shea, Padbury, Parker, Reed, Ruffcorn, Schneider, Scofield, Sherman, Spiegel, Stortz, Toomey, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 55.

Absent and not voting: Eggenberger, Kelson, Lambert, Leeson, Lehrkind, Lippard, Love, Mackie, Manning, Masterson, Peterson (Sheridan), Scott, Smith, Stromnes. Total 14.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:15 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 379 be amended as follows:

In lines 8, 13, 18 and 23, insert after the word "Montana," the figures "1935", and as amended do pass.

That consideration of House Bill No. 327 be passed for the day.

That House Bill No. 409 do pass.

That House Bill No. 411 do pass.

That House Bill No. 319 do pass.

That House Bill No. 344 be amended as follows:

Amend Section 13 (b) by striking out all of line 25 and inserting in lieu thereof a comma after the word "appropriated" in line 24 and the following: "for the period beginning July 1st, 1937, and ending June 30, 1938, the sum of \$13,021.26 and, for the period beginning July 1st, 1938, and ending June 30, 1939, the sum of \$13,021.26."

Amend Section 19, line 34 by adding "ed" to the word "newly-subject" and by striking out the words "thirty-eight" in line 33 and insert "Thirty-seven."

Amend Section 19 by striking out in line 19, page 21, the figures "1938" and insert "1937", and as amended do pass.

That House Bill No. 313 be amended as follows:

Amend Section 1 by striking out in line 4 the figure "7" and inserting in lieu thereof the figure "9".

Amend Section 3 by striking out in line 1 the figure "7" and inserting in lieu thereof the figure "9"; and as amended do pass.

That consideration of House Bill No. 381 be passed for the day.

That House Bill No. 91 be amended as follows:

Amend Section 2317 by adding in line 50 after the word "merchantable" the words "or usable" and strike out the word "and" after the word "produced".

Amend Section 1 by striking out, beginning with line 119, the remainder of the sentence and inserting in lieu thereof the following: "fifty percent (50%) to the State Public School General Fund and fifty percent (50%) to the Public Welfare Fund providing for Old Age Assistance." And as amended do pass.

That House Bill No. 199 be amended as follows:

Amend Section 3 by striking out in line 3 the words "three-fourths of".

Amend Section 10 by striking out after the word "Fund" in line 4 the remainder of the section and inserting in lieu thereof the following: "fifty per cent (50%) to the State Public School General Fund." And as amended do pass.

That House Bill No. 260 do pass.

That House Bill No. 289 be amended as follows:

Amend Section 1 by inserting after the word "and" on line 39b, on page 2 the words "his own".

Amend by adding a new section after section 1 to read as follows: "Section 2. If any clause, sentence, paragraph, section or any part of this Act shall be declared and adjudged to be invalid and/or unconstitutional, such invalidity or unconstitutionality shall not affect, invalidate or nullify the remainder of this Act." And renumber the subsequent sections accordingly. And as amended do pass.

That House Bill No. 161 do pass.

That the enacting clause be stricken from House Bill No. 254.

O'CONNOR, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills correctly engrossed: House Bills Nos. 210, 371, 301 and 376.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing reported the following bill considered correctly engrossed: House Bill No. 227.

PETERSON (Pondera), Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

## EVENING SESSION

House resumed. Mr. Speaker in the Chair.

## THIRD READING

The following having been read three several times, history and title agreed to were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 80 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Bjorneby, Bloom, Brayman, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Stimatz, Stortz, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 65.

Noes: Anderson (Silver Bow), Longenecker, Padbury, Parker. Total 4.

Absent and not voting: Alvord, Anderson (Lincoln), Bower, Brennan, Burns, Campbell, Eggenberger, Freshman, Haight, Hamilton, Hoiness, Ijams, Jackson, Kelson, Lehrkind, Lemmer, Levisse, Lippard, Love, Lovell, McLeod, Manning, Metlen, Minette, Mitchell, O'Shea, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Waldrop, Whaley. Total 33.

House Bill No. 335 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Brayman, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lemmer, Longenecker, McClain, McKenna, Metcalf, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stimatz, Stortz, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 61.

Noes: Bjorneby, Conner, Kruse, Mackie, Measure, Miller (Big Horn), O'Connor, Peterson (Pondera), Sorte, Tyler, Wood. Total 11.

Absent and not voting: Alvord, Anderson (Lincoln), Bower, Brennan, Burns, Campbell, Eggenberger, Freshman, Haight, Heavlin, Holecek, Ijams, Kelson, Lehrkind, Levisse, Lippard, Love, Lovell, McLeod, Manning, Masterson, Metlen, Mitchell, O'Shea, Peterson (Sheridan), Scofield, Smith, Stromnes, Toomey, Trandum. Total 30.

House Bill No. 298 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Brayman, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Holecek, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Longenecker, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 68.

Noes: DeDobbeleer, Green, Jackson, Mungas, Nelson, Stimatz. Total 6.

Absent and not voting: Alvord, Anderson (Lincoln), Bower, Brennan, Burns, Campbell, Eggenberger, Freshman, Heavlin, Kelson, Lehrkind, Levisse, Lippard, Love, Lovell, McLeod, Manning, Metlen, Minette, Mitchell, O'Shea, Peterson (Sheridan), Scott, Smith, Stromnes, Toomey, Trandum. Total 27.

Passed their vote: Haugan. Total 1.

Substitute House Bill No. 211 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Chatham, Cohen, Conner,



Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Mackie, Masterson, Miller (Big Horn), Monahan, Mulholland, Mungas, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 52.

Noes: Chamberlain, DeDobbeleer, Finnegan, Haight, Haugan, Hess, Holecek, Lambert, Leeson, Lemmer, Longenecker, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Nelson, Padbury, Scofield, Shanley, Spiegel, Stimatz, Stortz, Wood, Mr. Speaker. Total 28.

Absent and not voting: Alvord, Anderson (Lincoln), Brennan, Burns, Campbell, Eggenberger, Heavlin, Kelson, Lehrkind, Levissee, Lippard, Love, Lovell, Metlen, Minette, Mitchell, O'Shea, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 22.

House Bill No. 238 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 79.

Noes: Metcalf, Stimatz. Total 2.

Absent and not voting: Alvord, Anderson (Lincoln), Brennan, Burns, Campbell, Eggenberger, Heavlin, Kelson, Lehrkind, Levissee, Lippard, Longenecker, Love, Metlen, O'Connor, O'Shea, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 21.

House Bill No. 252 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Ijams, Jackson, Johnson, Kruse, Lehrkind, Lemmer, Manning, Masterson, Miller (Big Horn), Mitchell, Mulholland, O'Connor, Phelan, Reed, Scofield, Shanley, Sherman, Stimatz, Wood, Mr. Speaker. Total 43.

Noes: Bower, Brayman, Brennan, Cusick, DeDobbeleer, Dougherty, Elliott, Hess, Lambert, Lasby, Leeson, Lovell, McClain, McKenna, McLeod, Mackie, Metcalf, Miles, Miller (Roosevelt), Minette, Monahan, Mungas, Nelson, Padbury, Parker, Ruffcorn, Sorte, Spiegel, Stortz, Tyler, Vanek, Wenger, Whaley, Measure. Total 34.

Absent and not voting: Alvord, Anderson (Lincoln), Burns, Daly, Eggenberger, Heavlin, Hoiness, Holecek, Joffray, Kelson, Levissee, Lippard, Longenecker, Love, Metlen, O'Shea, Peterson (Pondera), Peterson (Sheridan), Scott, Smith, Stromnes, Toomey, Trandum, Waldrop. Total 24.

Passed their vote: Schneider. Total 1.

House Bill No. 227 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bjerneby, Bower, Brayman, Brennan, Campbell, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green,

Hamilton, Hardcastle, Hedden, Hess, Ijams, Jackson, Johnson, Lambert, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McClain, McKenna, Manning, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Phelan, Reed, Ruffcorn, Schneider, Shanley, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 57.

Noes: Anderson (Phillips), Bloom, Chamberlain, Conner, DeDobbeleer, Dougherty, Haugan, Holecek, Joffray, Kruse, Lasby, McLeod, Mackie, Masterson, Miles, Miller (Big Horn), Mungas, Parker, Peterson (Pondera), Scofield, Sherman, Stimatz, Whaley, Wood. Total 24.

Absent and not voting: Alvord, Anderson (Lincoln), Burns, Chatham, Eggenberger, Haight, Heavlin, Hoiness, Kelson, Levissee, Lippard, Love, Metlen, O'Shea, Padbury, Peterson (Sheridan), Scott, Smith, Stromnes, Toomey, Trandum. Total 21.

House Bill No. 210 was passed by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Campbell, Cohen, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Hedden, Hess, Hoiness, Jackson, Joffray, Kruse, Lambert, Lehrkind, Lemmer, McClain, Mackie, Masterson, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Padbury, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Sorte, Spiegel, Stortz, Tyler, Waldrop, Wenger, Mr. Speaker. Total 52.

Noes: Acher, Chamberlain, Conner, Cusick, DeDobbeleer, Green, Haugan, Holecek, Ijams, Johnson, Lasby, Leeson, Lovell, McKenna, McLeod, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Mungas, Nelson, O'Connor, O'Shea, Parker, Scott, Shanley, Sherman, Stimatz, Vanek, Whaley, Wood. Total 32.

Absent and not voting: Alvord, Anderson (Lincoln), Burns, Chatham, Eggenberger, Heavlin, Kelson, Levissee, Lippard, Longenecker, Love, Metlen, Peterson (Sheridan), Schneider, Smith, Stromnes, Toomey, Trandum. Total 18.

House Bill No. 371 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 73.

Noes: Holecek, Miles, Mungas, O'Shea, Stimatz. Total 5.

Absent and not voting: Alvord, Anderson (Lincoln), Brayman, Burns, Campbell, Eggenberger, Green, Heavlin, Joffray, Kelson, Levissee, Lippard, Love, McClain, Metlen, Minette, Peterson (Sheridan), Scott, Smith, Stortz, Stromnes, Toomey, Trandum, Vanek. Total 24.

House Bill No. 301 was passed by the following vote:

Ayes: Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Brennan, Chamberlain, Chatham, Cohen, Daly, D'Ewart, Dougherty, Elliott, Freshman, Goodwin, Haight, Hardcastle, Hedden, Hess, Holecek, Jackson, Joffray, Kruse, Lambert, Lemmer, Longenecker, McClain, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan,

Mungas, Nelson, Parker, Reed, Ruffcorn, Schneider, Scofield, Scott, Sorte, Stortz, Tyler, Mr. Speaker. Total 45.

Noes: Acher, Anderson (Chouteau), Bloom, Bower, Brayman, Campbell, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Finnegan, Green, Hamilton, Haugan, Hoiness, Ijams, Johnson, Lasby, Leeson, Lehrkind, Lovell, McKenna, McLeod, Manning, Miles, Mitchell, Mulholland, O'Connor, O'Shea, Padbury, Peterson (Pondera), Phelan, Shanley, Sherman, Spiegel, Stimat, Vanek, Wenger, Whaley, Wood. Total 41.

Absent and not voting: Alvord, Anderson (Lincoln), Burns, Eggenberger, Heavlin, Kelson, Levissee, Lippard, Love, Metlen, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum, Waldrop. Total 16.

House Bill No. 376 failed to pass by the following vote:

Ayes: Acher, Bloom, Crouse, Cruickshank, Daly, D'Ewart, Elliott, Green, Hamilton, Hedden, Hoiness, Johnson, Kruse, Mackie, Masterson, Miles, Miller (Big Horn), Mungas, O'Connor, Phelan, Scofield, Stortz, Waldrop. Total 23.

Noes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Cusick, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Hardecastle, Haugan, Hess, Ijams, Jackson, Joffray, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimat, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 62.

Absent and not voting: Alvord, Anderson (Lincoln), Chatham, Eggenberger, Haight, Heavlin, Holecek, Kelson, Levissee, Lippard, Love, Metlen, Peterson (Sheridan), Smith, Stromnes, Toomey, Trandum. Total 17.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Minette in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 330 do pass.

That House Bill No. 291 do pass.

That House Bill No. 230 do pass.

That House Bill No. 228 do pass.

That Substitute House Bill No. 156 do pass.

That House Bill No. 241 do pass.

That House Bill No. 242 do pass.

That House Bill No. 326 do pass.

That House Bill No. 284 be amended as follows:

Add a new paragraph after the word "net." in line 57 of Section 1 as follows: "That from and after the twentieth day of May 1931, it is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters of this state any salmon eggs or other fish spawn or any imitation or substance prepared therefrom, as fish bait or fish lure." and as amended do pass.

That Substitute House Bill No. 107 do pass.

That House Bill No. 303 do pass.

That House Bill No. 197 do pass.

That House Bill No. 231 be amended as follows:

Amend by striking in line 5 Section 1 the following "Subsection 6," and insert after the word "follows:" "Section 4028. Securities to which provisions of act not applicable. The provisions of this act shall not apply to the following securities:

1. Securities of the United States or of any foreign government, with which the United States maintains diplomatic relationship at the time of the sale thereof, or of any state or territory, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States.

2. Securities of public or quasi-public corporations, the issues of which are regulated by a state officer or board of this state, or by a state officer or board of similar authority, of any state or territory of the United States, or securities senior thereto.

3. Securities of state or national banks or trust companies, or building and loan associations authorized by the superintendent of banks to do business in this state.

4. Policy contracts of insurance companies licensed to do business in this state.

5. Securities of any domestic corporation not organized for profit.

In line 19 strike all of the remainder of the paragraph after the word "purposes;" and insert in lieu thereof the following: "or the securities of any cooperative association organized in good faith under the laws of this state, for the purpose of conducting the business of operating a rural telephone system or systems or the business of operating a rural electrification system or systems for the transmission or distribution of electric energy on a cooperative basis, or the sale and distribution of electrical and plumbing appliances under the provisions of the Federal Rural Electrification Act." and insert after line 25 subsections 7, 8, 9 and 10 of Section 4028, Revised Codes of Montana, 1935, as follows:

7. Securities listed on the New York stock exchange, the Boston stock exchange, the board of trade of the city of Chicago, Chicago stock exchange or the New York curb exchange, which securities have been so listed pursuant to official authorization by such exchange and all securities senior to any securities so listed or represented by subscription rights which have been so listed or evidence of indebtedness guaranteed by companies, any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect.

8. Notes secured by mortgages for real estate located in the state of Montana.

9. Securities sold by the owner for the owner's account exclusively, where the owner is not the issuer or an underwriter thereof, when not made in the course of continued and repeated transactions of a similar nature.

10. Securities of a corporation where the persons holding the same shall not exceed fifty in number. and as amended do pass.

That the enacting clause be stricken from House Bills No. 287 and 392.

That House Bill No. 396 do pass.

That Substitute House Bill No. 339 be amended as follows:



Amend Section 1, subsection 8 by striking out in line 30 the words "in school districts of the third class" and by adding after the period in line 35 the following: "Provided, further, that this subdivision shall not be so construed as to prevent the Board of Trustees from purchasing an option on a school site," and strike out the Committee of the Whole amendment now in the bill, and as amended do pass.

MINETTE, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 319, 276, 260, 411 and 409.

PETERSON of Pondera, Chairman.

Report adopted.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 319 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Hamilton, Harcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Master-son, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Smith, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 77.

Noes: Chatham, Holecek, McLeod, Mungas. Total 4.

Absent and not voting: Alvord, Anderson (Lincoln), Eggenberger, Elliott, Haight, Heavlin, Kelson, Lippard, Love, Metlen, Miles, Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Shanley, Sherman, Stortz, Stromnes, Toomey, Trandum. Total 21.

House Bill No. 411 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Harcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Chatham, D'Ewart, Haight, Holecek, Kruse, Levisee, Lovell, McLeod, Metcalf, Mungas, O'Shea. Total 11.

Absent and not voting: Alvord, Anderson (Lincoln), DeDobbeleer, Finnegan, Green, Hamilton, Heavlin, Kelson, Lippard, Love, Peterson (Sheridan), Schneider, Sherman, Stortz, Stromnes, Toomey, Trandum. Total 17.

House Bill No. 276 was passed by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, O'Connor, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Stimatz, Tyler, Vanek, Wenger, Whaley, Wood, Mr. Speaker. Total 70.

Noes: Chatham, D'Ewart, Eggenberger, Joffray, Levissee, Mitchell, Mungas, Scofield, Shanley, Smith, Sorte. Total 11.

Absent and not voting: Acher, Alvord, Anderson (Lincoln), Finnegan, Heavlin, Kelson, Lippard, Love, Measure, O'Shea, Padbury, Parker, Peterson (Sheridan), Schneider, Sherman, Spiegel, Stortz, Stromnes, Toomey, Trandum, Waldrop. Total 21.

House Bill No. 409 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Nelson, Mr. Speaker. Total 82.

Noes: Campbell. Total 1.

Absent and not voting: Alvord, Anderson (Lincoln), Finnegan, Heavlin, Hedden, Kelson, Lippard, Love, Manning, Masterson, Metlen, Miller (Big Horn), Padbury, Peterson (Sheridan), Sherman, Stimatz, Stromnes, Toomey, Trandum. Total 19.

House Bill No. 260 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Vanek, Waldrop, Wenger, Whaley, Wood. Total 79.

Noes: Campbell, D'Ewart, Leeson, Longenecker. Total 4.

Absent and not voting: Alvord, Anderson (Lincoln), Chatham, Finnegan, Heavlin, Kelson, Lippard, Love, Metlen, Minette, Peterson (Pondera), Peterson (Sheridan), Reed, Sherman, Stromnes, Toomey, Trandum, Tyler. Total 18.

Passed their vote: Mr. Speaker. Total 1.

## INTRODUCTION OF BILLS

The following Bill, introduced by unanimous consent, without notice, having been read first and second time, was referred to the Committee on Judiciary:

House Bill No. 412, introduced by Minette: A Bill for an Act entitled: "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation and maintenance of revenue-producing undertakings by any city and town, however organized; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof; and defining the operative period hereof."

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 412 respectfully report as follows: That House Bill No. 412 do pass.

STROMNES, Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded and carried, that House Bill No. 412 be considered correctly printed and placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 9:00 o'clock A. M. Monday morning, February 22nd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FIFTIETH DAY

House of Representatives,  
Helena, Montana,  
February 22, 1937.

House convened, pursuant to adjournment, at 9:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: Kelson, Lippard, Longenecker, Love, O'Shea and Peterson (Sheridan).

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-ninth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Padbury in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 405 do pass.

That House Bill No. 42 do pass.

That House Bill No. 53 be amended as follows:

Amend Section 1 by striking out in line 6 all of line 6 after the word "employer" and the words "per week or more" in line 7.

Amend Section 2 by striking out all of section 2 and inserting in lieu thereof the following:

"Section 2. Any person, firm, state, county, municipal or school district officer or public or private corporation may, for a period not more than six (6) months, employ inexperienced employees for the purpose of a training period at a rate not less than Twelve Dollars (\$12.00) per week." and renumber the subsequent sections accordingly.

Amend title by striking out the words after the word "Montana," in line 3, up to and including the word "more" in line 4 and inserting in lieu thereof "providing for wages of inexperienced employees." and as amended do pass.

That House Bill No. 340 do pass.

That House Bill No. 212 do pass.

That House Bill No. 357 do pass.

That House Bill No. 235 do pass.

That House Bill No. 170 do pass.

PADBURY, Chairman.

It was moved by Padbury, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, duly seconded, it was moved by Levisse, that House Bill No. 53 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number and motion lost by the following vote:

Ayes: Conner, Green, Hoiness, Jackson, Joffray, Lasby, Levisse, Longenecker, Miller (Big Horn), Minette, Scofield, Waldrop, Wood. Total 13.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Holecek, Ijams, Johnson, Lambert, Leeson, Lehrkind, Lemmer, Lippard, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mulholland, Mungas, Nelson, O'Connor, Phelan, Ruffcorn, Scott, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Wenger, Whaley, Mr. Speaker. Total 67.

Absent and not voting: Acher, Anderson (Lincoln), Eggenberger, Haight, Heavlin, Hedden, Kelson, Kruse, Love, Manning, Metlen, Mitchell, Monahan, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Schneider, Sorte, Toomey. Total 21.

Passed their vote: Reed. Total 1.

### MOTIONS AND RESOLUTIONS

It was moved by Ruffcorn, duly seconded, that the House reconsider its action on House Bill No. 370. Motion was lost.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length).

House Bill No. 226 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Bray-



man, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Holecek, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Lippard, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: Green, Longenecker, O'Connor, Stimatz. Total 4.

Absent and not voting: Hedden, Hoiness, Joffray, Kelson, Kruse, Lambert, Levissee, Love, Lovell, Manning, Minette, Monahan, O'Shea, Peterson (Sheridan), Smith, Toomey. Total 16.

House Bill No. 289 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, Elliott, Finnegan, Haight, Heavlin, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Lasby, Lemmer, Levissee, Lippard, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mungas, Nelson, Padbury, Phelan, Reed, Scott, Sherman, Stimatz, Stortz, Stromnes, Toomey, Vanek, Waldrop. Total 55.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Brennan, Cohen, D'Ewart, Eggenberger, Freshman, Goodwin, Green, Hardcastle, Haugan, Lambert, Leeson, Lehrkind, Longenecker, Lovell, McKenna, Miles, Mitchell, Mulholland, O'Connor, Parker, Scofield, Sorte, Spiegel, Trandum, Wenger, Wood, Mr. Speaker. Total 29.

Absent and not voting: DeDobbeleer, Dougherty, Hamilton, Hedden, Hoiness, Joffray, Kelson, Love, Manning, Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Smith, Tyler, Whaley. Total 18.

House Bill No. 196 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Bloom, Bower, Brayman, Burns, Campbell, Chatham, Cohen, Cusick, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Joffray, Lambert, Lasby, Lemmer, Lovell, McClain, McLeod, Mackie, Measure, Metlen, Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, Padbury, Phelan, Reed, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stortz, Stromnes, Toomey, Vanek, Waldrop, Wenger. Total 53.

Noes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brennan, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Green, Haugan, Hedden, Hoiness, Holecek, Johnson, Kruse, Leeson, Lehrkind, Levissee, Lippard, Longenecker, McKenna, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Nelson, Parker, Peterson (Pondera), Sorte, Stimatz, Trandum, Whaley, Wood, Mr. Speaker. Total 41.

Absent and not voting: Love, O'Shea, Ruffcorn, Schneider, Tyler. Total 5.

Passed their vote: Eggenberger. Total 1.

Paired their vote: Kelson and Peterson (Sheridan). Total 2.

House Bill No. 379 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Bray-

man, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 86.

Noes: Haight, Holecek. Total 2.

Absent and not voting: Campbell, Chatham, Jackson, Kelson, Lehrkind, Love, McLeod, Miles, O'Shea, Peterson (Sheridan), Ruffcorn, Sorte, Stromnes, Tyler. Total 14.

House Bill No. 313 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Bjerneby, Brayman, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: None.

Absent and not voting: Bloom, Campbell, Chamberlain, Chatham, Finnegan, Jackson, Joffray, Kelson, Lehrkind, Love, Mackie, Manning, Mitchell, O'Shea, Peterson (Sheridan), Ruffcorn, Sherman, Smith, Stromnes, Tyler. Total 20.

House Bill No. 161 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Brayman, Burns, Campbell, Chatham, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Haight, Hamilton, Haugan, Heavlin, Hess, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lemmer, Lovell, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Metlen, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Peterson (Pondera), Reed, Ruffcorn, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Waldrop, Wenger, Whaley, Mr. Speaker. Total 61.

Noes: Anderson (Silver Bow), Anderson (Lincoln), Bower, Brennan, Chamberlain, Cohen, Daly, Goodwin, Green, Hardcastle, Hedden, Hoiness, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Mackie, Miles, Miller (Roosevelt), Miller (Big Horn), Padbury, Parker, Phelan, Scofield, Scott, Toomey, Trandum, Wood, Vanek. Total 30.

Absent and not voting: Eggenberger, Kelson, Love, Manning, Minette, O'Shea, Peterson (Sheridan), Schneider, Smith, Stromnes, Tyler. Total 11.

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing report the following bills correctly engrossed: House Bills Nos. 226, 289, 196, 379, 313, 161 and 303.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing report the following bills considered correctly engrossed: House Bills Nos. 228, 242, 330, 291, 326, 197, 396 and Substitute House Bills Nos. 107 and 156.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Printing report the following bills correctly printed: House Bills Nos. 310, 412 and 332.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Economy, having had under consideration House Bill No. 214, respectfully report as follows: That House Bill No. 214 be amended as follows:

End of Section 1, change the period to a ; and add "provided, however, that the five (5%) per cent differential given a person, manufacturing or selling materials, equipment or supplies, as used in this Act, shall not apply to any purchases on which federal funds are used, directly or indirectly, to satisfy payment for same." And as so amended do pass.

DeDOBBELEER, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 1:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### MESSAGES FROM THE SENATE

Mr. Speaker: Herewith is a copy of Senate Bill No. 42 which was rejected in the House because of Joint Rule 24. In accordance with such rule will you kindly provide for the introduction of the bill transmitted herewith?

Respectfully,

JOHN CAMPBELL,  
Senator from Missoula.

#### INTRODUCTION OF BILLS

The following bill was introduced, read first and second time, and referred to committee: All appropriation measures having been read at length.

House Bill No. 413, introduced by the Committee on Appropriations, by request, by unanimous consent of the House: A Bill for an Act entitled: "An Act establishing a State Temperance Commission, for the purpose of promoting temperance and decreasing the intemperate use of alcoholic liquors; preventing the use thereof by minors; creating a special state fund to be derived only from the liquor traffic to cover the cost of administering this Act; and making an appropriation from the General Fund to meet expenses incident to administration of the Act before funds are available in the treasury to the credit of the "Temperance Commission Fund" herein established, and providing for the repayment of such appropriation to the General Fund when moneys are available in the state treasury to the credit of the "Temperance Commission Fund" herein provided, For." Referred to the Committee on Appropriations.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 410 do pass.

That the enacting clause be stricken from House Bill No. 338.

That House Bill No. 333 do pass.

That the enacting clause be stricken from House Bill No. 292.

That House Bill No. 214 do pass.

O'CONNOR, Chairman.

It was moved by O'Connor, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Metcalf, duly seconded that House Bill No. 338 be segregated from the report of the Committee of the Whole. A roll call, to be entered in the Journal, was demanded by the required number and motion was lost by the following vote:

Ayes: Alvord, Anderson (Phillips), Bjerneby, Bloom, Brayman, Burns, Chamberlain, Cusick, DeDobbeleer, Finnegan, Goodwin, Hamilton, Hess, Johnson, Kruse, Lambert, Lasby, McClain, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Mulholland, Nelson, Peterson (Pondera), Reed, Schneider, Scott, Spiegel, Stimatz, Vanek, Whaley. Total 34.

Noes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bower, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Green, Haight, Hardcastle, Haugan, Hedden, Hoiness, Holecek, Ijams, Jackson, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, Mackie, Metlen, Miles, Miller (Big Horn), Minette, Mungas, Padbury, Parker, Phelan, Ruffeorn, Scofield, Shanley, Sherman, Smith, Sorte, Stromnes, Trandum, Tyler, Waldrop, Wenger, Wood, O'Connor, Mr. Speaker. Total 56.

Absent and not voting: Heavlin, Joffray, Kelson, Levissee, Love, McKenna, Manning, Monahan, O'Shea, Peterson (Sheridan), Stortz, Toomey. Total 12.

Whereupon motion to adopt report of the Committee of the Whole was adopted.

The House recessed to go into informal joint session with the Senate for the purpose of holding Washington Day exercises. At this time the Montana Federation of Women's Clubs presented the State of Montana with a painting by Paxson entitled "Scouting for Custer". The Governor, Honorable Roy E. Ayers, accepted the painting on behalf of the State of Montana.

House resumed. Mr. Speaker in the Chair.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 228 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Cusick,



Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Holecek, Jackson, Lasby, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Shanley, Sherman, Smith, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Lemmer. Total 61.

Noes: Crouse, Cruickshank, Hess, Hoiness, Kruse, Lambert, Leeson, Mitchell, O'Connor, Padbury, Scofield, Wood, Mr. Speaker. Total 13.

Absent and not voting: Campbell, Green, Haight, Heavlin, Hedden, Ijams, Joffray, Johnson, Kelson, Lehrkind, Levissee, Love, Lovell, Manning, Measure, Miles, Minette, Mungas, O'Shea, Peterson (Sheridan), Ruffcorn, Scott, Sorte, Stimatz, Stortz, Stromnes, Toomey, Whaley. Total 28.

House Bill No. 242 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 82.

Noes: None.

Absent and not voting: Anderson (Phillips), Bower, Green, Haight, Hedden, Holecek, Joffray, Kelson, Levissee, Love, Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Scott, Smith, Stimatz, Stortz, Stromnes, Toomey. Total 20.

House Bill No. 330 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Shanley, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 71.

Noes: D'Ewart, Lambert, Miles, Miller (Big Horn), Mungas, Padbury, Scofield, Sherman, Sorte, Wood. Total 10.

Absent and not voting: Acher, Burns, Green, Haight, Hedden, Hoiness, Holecek, Joffray, Kelson, Levissee, Love, Metlen, Minette, O'Shea, Peterson (Sheridan), Scott, Smith, Stimatz, Stortz, Stromnes, Toomey. Total 21.

House Bill No. 291 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind,

Lemmer, Lippard, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 76.

Noes: Lasby, Longenecker, Lovell, Metcalf. Total 4.

Absent and not voting: Elliott, Green, Haight, Heavlin, Hoiness, Holecek, Joffray, Kelson, Levissee, Love, Metlen, Miles, Minette, O'Shea, Peterson (Sheridan), Scott, Stimatz, Stortz, Stromnes, Toomey, Trandum, Mr. Speaker. Total 22.

Substitute House Bill No. 107 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Conner, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Green, Haugan, Heavlin, Hoiness, Johnson, Kruse, Lasby, Lehrkind, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Measure, Metlen, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Schneider, Scofield, Sherman, Smith, Trandum, Vanek, Waldrop, Wenger, Whaley. Total 55.

Noes: Alvord, Anderson (Silver Bow), Anderson (Lincoln), Chatham, Cohen, Crouse, Cruickshank, DeDobbeleer, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Hedden, Hess, Ijams, Jackson, Lambert, Leeson, Lemmer, McLeod, Metcalf, Mitchell, Peterson (Pondera), Shanley, Sorte, Spiegel, Stimatz, Tyler, Wood, Mr. Speaker. Total 31.

Absent and not voting: Haight, Holecek, Joffray, Kelson, Levissee, Love, Masterson, Miller (Big Horn), Minette, O'Shea, Peterson (Sheridan), Ruffcorn, Scott, Stortz, Stromnes, Toomey. Total 16.

House Bill No. 303 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 85.

Noes: None.

Absent and not voting: Green, Haight, Hamilton, Holecek, Joffray, Kelson, Levissee, Love, Lovell, Minette, O'Shea, Peterson (Sheridan), Ruffcorn, Scott, Stortz, Stromnes, Toomey. Total 17.

House Bill No. 326 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan,

Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, D'Ewart, Mr. Speaker. Total 77.

Noes: Acher, Dougherty, Eggenberger, Lambert, Lasby, Lippard, Metlen, Stimatz. Total 8.

Absent and not voting: Campbell, Haight, Holecek, Joffray, Kelson, Levissee, Love, Lovell, Manning, Minette, O'Shea, Peterson (Sheridan), Scott, Stortz, Stromnes, Toomey, Trandum. Total 17.

House Bill No. 197 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Shanley, Smith, Sorte, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 81.

Noes: Lambert, Miles, Mungas, Scofield, Sherman, Stimatz, Wood. Total 7.

Absent and not voting: Haight, Holecek, Joffray, Kelson, Love, Lovell, O'Shea, Peterson (Sheridan), Scott, Spiegel, Stortz, Stromnes, Toomey. Total 13.

Passed their vote: Haugan. Total 1.

House Bill No. 396 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Campbell, D'Ewart, Holecek, Lambert, Lemmer, Longenecker, Mungas. Total 7.

Absent and not voting: Chatham, Crouse, Cruickshank, Freshman, Green, Haight, Hamilton, Heavlin, Hedden, Kelson, Love, Miles, Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Scott, Stortz, Toomey, Trandum. Total 20.

Passed their vote: Lippard. Total 1.

Substitute House Bill No. 156 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Chamberlain, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Masterson, Mackie, Measure, Metcalf, Metlen, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Connor, Padbury, Parker, Pe-

tersen (Pondera), Phelan, Reed, Ruffcorn, Schneider, Shanley, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 70.

Noes: Acher, Bower, Conner, Goodwin, Green, Haugan, Ijams, Lasby, Leeson, Miles, Miller (Big Horn), Monahan, Mungas, Scofield, Sherman, Wood. Total 16.

Absent and not voting: Burns, Campbell, Chatham, Cohen, Crouse, Eggenberger, Kelson, Love, Manning, Minette, O'Shea, Peterson (Sheridan), Scott, Stortz, Stromnes, Trandum. Total 16.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing report the following bills considered correctly engrossed: House Bills Nos. 333, 410, 357, 405 and 344.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing report the following bills correctly engrossed: House Bills Nos. 91, 241, 42, 199, 53, 177, 231, 340, 235, 212, 284, 230, 170 and Substitute House Bill No. 339.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Enrolling report the following bills correctly enrolled: House Bills Nos. 127, 82.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 127, introduced by me, and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 82, introduced by me, and find the same to be correct.

EGGENBERGER.

The Speaker signed the following measures in Open Session: House Bills Nos. 127 and 82.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders, under the rules of the previous sitting.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 412 do pass.

That the enactnig clause be stricken from House Bills Nos. 327 and 381.

That House Joint Memorials Nos. 10, 8 and 7 do pass.

That House Bills Nos. 309 and 310 do pass.

That the enacting clase be stricken from House Bill No. 332.

O'CONNOR, Chairman.

It was moved by O'Connor, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Longenecker, duly seconded, that House Bill No. 332 be segregated from the report of the Committee of the Whole. A roll call to be entered in the Journal, was demanded by the required number, and motion was lost by the following vote:



Ayes: Anderson (Chouteau), Anderson (Phillips), Conner, Daly, Elliott, Green, Hamilton, Haugan, Heavlin, Hedden, Jackson, Johnson, Kruse, Longenecker, Masterson, Metlen, Miller (Big Horn), Minette, Mungas, Parker, Schneider, Scofield, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 29.

Noes: Acher, Alvord, Anderson, (Silver Bow), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Haight, Hardcastle, Hess, Hoiness, Ijams, Joffray, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Miles, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Connor, Padbury, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Metcalf, Mr. Speaker. Total 61.

Absent and not voting: Anderson (Lincoln), Goodwin, Holecek, Kelson, Lippard, Love, Manning, Monahan, O'Shea, Peterson (Sheridan), Stortz, Wood. Total 12.

Whereupon motion to adopt the report of the Committee of the Whole was adopted.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing report the following bills correctly engrossed: House Bill Nos. 214 and 337.

PETERSON (Pondera), Chairman.

Report adopted.

The Committee on Engrossing report the following bills considered correctly engrossed: House Bills Nos. 309, 310, 412 and House Joint Memorials Nos. 7, 8 and 10.

PETERSON (Pondera), Chairman.

Report adopted.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 91 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller, (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 78.

Noes: Green, Johnson, Leeson, Longenecker, Sorte, Toomey. Total 6.

Absent and not voting: Goodwin, Hamilton, Hoiness, Holecek, Kelson, Lippard, Love, Manning, Minette, Monahan, O'Shea, Padbury, Peterson (Sheridan), Phelan, Sherman, Stortz, Stromnes, Wood. Total 18.

House Bill No. 241 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Burns, Campbell, Chatham, Cohen, Cusick, Dougherty, Elliott, Finnegan, Freshman, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Lemmer, Lovell, McLeod, Mackie, Mas-

terson, Measure, Metlen, Miles, Minette, Mitchell, Mulholland, Mungas, O'Connor, Padbury, Parker, Reed, Scofield, Scott, Shanley, Sherman, Smith, Stromnes, Toomey, Vanek, Waldrop, Wenger. Total 50.

Noes: Alvord, Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Brennan, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Eggenberger, Green, Haight, Haugan, Hedden, Hoiness, Johnson, Leeson, Lehrkind, Levissee, Longenecker, McClain, McKenna, Metcalf, Miller (Roosevelt), Miller (Big Horn), Nelson, Peterson (Pondera), Sorte, Spiegel, Stimatz, Trandum, Whaley, Mr. Speaker. Total 35.

Absent and not voting: Bloom, D'Ewart, Goodwin, Holecek, Kelson, Lippard, Love, Manning, Monahan, O'Shea, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Stortz, Tyler, Wood. Total 17.

House Bill No. 42 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 78.

Noes: Campbell, Freshman, Cohen, Hardcastle, Mulholland, Stimatz. Total 6.

Absent and not voting: Bower, Chamberlain, Goodwin, Holecek, Joffray, Kelson, Lippard, Love, Manning, Minette, Monahan, O'Shea, Peterson (Sheridan), Phelan, Smith, Stortz, Stromnes, Wood. Total 18.

House Bill No. 199 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mungas, Nelson, Padbury, Parker, Phelan, Reed, Ruffcorn, Shanley, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 65.

Noes: Eggenberger, Hedden, Hoiness, Jackson, Levissee, Peterson (Pondera), Schneider, Scofield, Sherman, Toomey. Total 10.

Absent and not voting: Anderson (Silver Bow), Anderson (Phillips), Campbell, Conner, Crouse, Goodwin, Haight, Holecek, Joffray, Kelson, Lippard, Love, McClain, Manning, Metlen, Miller (Big Horn), Minette, Monahan, Mulholland, O'Connor, O'Shea, Peterson (Sheridan), Scott, Smith, Stortz, Trandum, Wood. Total 27.

House Bill No. 53 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Hamilton, Hardcastle, Hess, Holecek, Ijams, Joffray, Lambert, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Mulholland, Mungas, Nelson, Padbury, Phelan, Ruffcorn, Schneider, Scott,

Shanley, Sherman, Spiegel, Stimatz, Stromnes, Trandum, Wenger, Mr. Speaker. Total 57.

Noes: Acher, Conner, Crouse, D'Ewart, Eggenberger, Green, Haight, Haugan, Heavlin, Hedden, Hoiness, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Levissee, Longenecker, Miles, Miller (Big Horn), Minette, O'Connor, Peterson (Pondera), Reed, Scofield, Toomey. Total 27.

Absent and not voting: Anderson (Phillips), Goodwin, Kelson, Lippard, Love, Metlen, Monahan, O'Shea, Parker, Peterson (Sheridan), Smith, Sorte, Stortz, Tyler, Vanek, Waldrop, Whaley, Wood. Total 18.

House Bill No. 177 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Bloom, Bower, Brayman, Burns, Campbell, Chatham, Cohen, Cusick, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Joffray, Lambert, Lasby, Lemmer, Lovell, McLeod, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, O'Connor, Padbury, Parker, Reed, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stromnes, Toomey, Vanek, Waldrop, Wenger. Total 54.

Noes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Green, Haugan, Hedden, Hoiness, Holecek, Jackson, Johnson, Kruse, Leeson, Lehrkind, Levissee, Longenecker, McClain, McKenna, Metcalf, Miller (Roosevelt), Nelson, Peterson (Pondera), Sorte, Stimatz, Trandum, Mr. Speaker. Total 35.

Absent and not voting: Brennan, Kelson, Love, O'Shea, Peterson (Sheridan), Phelan, Ruffcorn, Stortz, Tyler, Whaley, Wood. Total 11.

Paired their vote: Lippard and Monahan. Total 2.

House Bill No. 231 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mulholland, O'Connor, Padbury, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stromnes, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 75.

Noes: Anderson (Chouteau), Hoiness, Mungas, Stimatz. Total 4.

Absent and not voting: Anderson (Silver Bow), Brennan, Conner, Green, Joffray, Kelson, Lambert, Lasby, Lippard, Love, Measure, Mitchell, Monahan, Nelson, O'Shea, Peterson (Sheridan), Phelan, Stortz, Toomey, Trandum, Whaley, Wood. Total 22.

Passed their vote: Crouse. Total 1.

House Bill No. 340 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Chatham, Cohen, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McClain, McLeod, Mackie, Manning, Measure, Metlen, Miles, Mitchell, Mulholland, Mungas, O'Connor, Padbury, Parker, Reed, Scott, Shanley, Sherman, Smith, Spiegel, Stromnes, Toomey, Vanek, Waldrop, Wenger, Mr. Speaker. Total 60.



Noes: Alvord, Anderson (Phillips), Brennan, Chamberlain, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Green, Haight, Hedden, Johnson, Kruse, Leeson, Longenecker, McKenna, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Nelson, Peterson (Pondera), Ruffcorn, Schneider, Scofield, Sorte, Stimatz, Trandum, Tyler. Total 30.

Absent and not voting: Bjorneby, Kelson, Lippard, Love, Minette, Monahan, O'Shea, Peterson (Sheridan), Phelan, Stortz, Whaley, Wood. Total 12.

House Bill No. 235 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 82.

Noes: Metcalf. Total 1.

Absent and not voting: Alvord, Chatham, Hamilton, Holecek, Jackson, Kelson, Lippard, Longenecker, Love, Lovell, Monahan, O'Shea, Padbury, Peterson (Sheridan), Sherman, Stortz, Toomey, Trandum, Wood. Total 19.

House Bill No. 212 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, McClain, McKenna, Mackie, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Sorte, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 69.

Noes: Freshman, Hardcastle, Lambert, McLeod, Metcalf, Metlen, O'Connor, Scott, Shanley, Smith, Spiegel, Stromnes, Mr. Speaker. Total 13.

Absent and not voting: Anderson (Lincoln), Brennan, Chatham, Green, Heavlin, Holecek, Joffray, Kelson, Lippard, Love, Lovell, Manning, Measure, Monahan, O'Shea, Padbury, Peterson (Sheridan), Schneider, Sherman, Wood. Total 20.

House Bill No. 284 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Lovell, McKenna, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Smith, Sorte, Stortz, Toomey, Trandum, Vanek, Waldrop, Wenger, Mr. Speaker. Total 64.

Noes: Alvord, Anderson (Silver Bow), Campbell, Finnegan, Freshman, Hoiness, Lambert, Lasby, Longenecker, McClain, McLeod, Measure, Metcalf, Nelson, Shanley, Spiegel, Stimatz, Whaley. Total 18.



Absent and not voting: Bloom, Brennan, Chatham, Goodwin, Haight, Heavlin, Joffray, Kelson, Levissee, Lippard, Love, Metlen, O'Shea, Padbury, Peterson (Sheridan), Schneider, Sherman, Stromnes, Tyler, Wood. Total 20.

House Bill No. 230 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Campbell, Chamberlain, Chatham, Conner, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Green, Hamilton, Haugan, Heavlin, Hedden, Jackson, Joffray, Johnson, Kruse, Longenecker, Lovell, McLeod, Mackie, Masterson, Metcalf, Miles, Minette, Monahan, Nelson, O'Connor, Phelan, Reed, Ruffcorn, Scofield, Shanley, Spiegel, Stimatz, Toomey, Trandum, Vanek, Waldrop. Total 48.

Noes: Anderson (Silver Bow), Brennan, Burns, Cohen, Crouse, Cruickshank, Cusick, Daly, Finnegan, Freshman, Goodwin, Hardcastle, Hess, Hoiness, Ijams, Lambert, Lasby, Leeson, Lehrkind, Lemmer, McClain, McKenna, Manning, Measure, Miller (Roosevelt), Miller (Big Horn), Mulholland, Parker, Scott, Smith, Sorte, Stortz, Stromnes, Tyler, Wenger, Whaley, Mr. Speaker. Total 37.

Absent and not voting: Acher, Haight, Holecek, Kelson, Levissee, Lippard, Love, Metlen, Mitchell, Mungas, O'Shea, Padbury, Peterson (Pondera), Peterson (Sheridan), Schneider, Sherman, Wood. Total 17.

Substitute House Bill No. 339 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Holecek, Joffray, Johnson, Kruse, Lambert, Lemmer, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 74.

Noes: Anderson (Lincoln), Brennan, Goodwin, Green, Haugan, Ijams, Lasby, Leeson, Lehrkind, Levissee, McLeod, Mungas, Shanley. Total 13.

Absent and not voting: Anderson (Phillips), Conner, Haight, Hamilton, Jackson, Kelson, Lippard, Love, Metlen, Miles, Minette, O'Shea, Peterson (Sheridan), Sherman, Wood. Total 15.

House Bill No. 170 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brayman, Brennan, Burns, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Finnegan, Goodwin, Hamilton, Haugan, Hedden, Hoiness, Ijams, Joffray, Leeson, Lehrkind, Lemmer, Levissee, McClain, Mackie, Manning, Masterson, Measure, Miles, Minette, Mitchell, Mulholland, Parker, Phelan, Reed, Ruffcorn, Schneider, Shanley, Smith, Stimatz, Stromnes, Toomey, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 56.

Noes: Anderson (Lincoln), Chamberlain, Eggenberger, Elliott, Freshman, Green, Hardcastle, Heavlin, Hess, Holecek, Jackson, Johnson, Kruse, Lambert, Lasby, Longenecker, Lovell, McKenna, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mungas, Nelson, O'Connor, Peterson (Pondera), Scofield, Scott, Sorte, Stortz, Tyler. Total 30.

Absent and not voting: Anderson (Chouteau), Bloom, Haight, Kelson, Lippard, Love, McLeod, Metlen, Monahan, O'Shea, Padbury, Peterson (Sheridan), Sherman, Spiegel, Trandum, Wood. Total 16.

House Bill No. 333 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bower, Brennan, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Kruse, Lasby, Lemmer, Levissee, Lovell, Manning, Metlen, Miles, Minette, Mitchell, Monahan, Mungas, Phelan, Reed, Scofield, Scott, Shanley, Spiegel, Stortz, Stromnes, Toomey, Trandum, Wenger, Whaley, Smith. Total 50.

Noes: Alvord, Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Chamberlain, Dougherty, Eggenberger, Hess, Holecek, Johnson, Lambert, Leeson, Lehrkind, Longenecker, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Miller (Roosevelt), Nelson, O'Connor, Parker, Peterson (Pondera), Ruffcorn, Schneider, Stimatz, Tyler, Vanek, Waldrop, Mr. Speaker. Total 34.

Absent and not voting: Campbell, Cusick, DeDobbeleer, Elliott, Haight, Joffray, Kelson, Lippard, Love, Mackie, Miller (Big Horn), Mulholland, O'Shea, Padbury, Peterson (Sheridan), Sherman, Sorte, Wood. Total 18.

House Bill No. 410 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 82.

Noes: Heavlin, Holecek, Kruse, Miles, Mungas, Scofield, Smith. Total 7.

Absent and not voting: Burns, Haight, Kelson, Leeson, Lippard, Love, Miller (Big Horn), O'Shea, Peterson (Sheridan), Sherman, Sorte, Trandum, Wood. Total 13.

House Bill No. 357 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 78.

Noes: Hess, Lambert. Total 2.

Absent and not voting: Acher, Crouse, D'Ewart, Eggenberger, Green, Haight, Holecek, Kelson, Leeson, Lippard, Love, Masterson, Miller (Big Horn), Minette, Mungas, O'Shea, Peterson (Sheridan), Reed, Sherman, Sorte, Trandum, Wood. Total 22.

House Bill No. 405 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman,

Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, Parker, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Spiegel, Stimatz, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 71.

Noes: Crouse, Cruickshank, D'Ewart, Eggenberger, Elliott, Lehrkind, Longenecker, Metlen, Miles, Miller (Big Horn), O'Connor, Padbury, Toomey. Total 13.

Absent and not voting: Acher, Campbell, Cusick, Heavlin, Kelson, Leeson, Lippard, Love, Manning, Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Reed, Sherman, Smith, Sorte, Wood. Total 18.

House Bill No. 344 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 72.

Noes: Acher, Bower, Brennan, Chatham, D'Ewart, Eggenberger, Longenecker, Lovell, Metlen, Miles, Mungas, O'Connor, Stimatz, Toomey. Total 14.

Absent and not voting: Holecek, Ijams, Joffray, Johnson, Kelson, Leeson, Levissee, Lippard, Love, Manning, O'Shea, Peterson (Sheridan), Sherman, Stromnes, Trandum, Wood. Total 16.

House Bill No. 412 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Waldrop, Wenger, Mr. Speaker. Total 80.

Noes: None.

Absent and not voting: Cohen, Conner, Freshman, Hoiness, Holecek, Jackson, Kelson, Kruse, Leeson, Lippard, Love, Manning, Metlen, O'Shea, Peterson (Pondera), Peterson (Sheridan), Scofield, Sherman, Stromnes, Vanek, Whaley, Wood. Total 22.

House Bill No. 309 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger,



Elliott, Finnegan, Goodwin, Hamilton, Hardcastle, Hedden, Hess, Jackson, Joffray, Johnson, Lambert, Lasby, Lehrkind, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Wenger, Mr. Speaker. Total 71.

Noes: D'Ewart, Green, Haight, Haugan, Metcalf. Total 5.

Absent and not voting: Freshman, Heavlin, Hoiness, Holecek, Ijams, Kelson, Kruse, Leeson, Lemmer, Lippard, Love, Manning, Measure, Metlen, Miller (Roosevelt), Minette, O'Shea, Padbury, Peterson (Sheridan), Ruffcorn, Sherman, Stromnes, Toomey, Vanek, Whaley, Wood. Total 26.

House Bill No. 310 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stromnes, Toomey, Trandum, Waldrop, Wenger, Whaley, Mr. Speaker. Total 76.

Noes: D'Ewart, Green, Haight, Haugan, Metcalf. Total 5.

Absent and not voting: Eggenberger, Elliott, Goodwin, Holecek, Kelson, Kruse, Leeson, Lippard, Love, McLeod, Measure, Mungas, O'Shea, Peterson (Sheridan), Schneider, Sherman, Stimatz, Stortz, Tyler, Vanek, Wood. Total 21.

House Joint Memorial No. 7 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 76.

Noes: None.

Absent and not voting: Chatham, Green, Haight, Hamilton, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levissee, Lippard, Love, Manning, Masterson, Metlen, Miles, Minette, O'Shea, Peterson (Sheridan), Reed, Sherman, Smith, Stromnes, Trandum, Wood. Total 26.

House Joint Memorial No. 10 failed to pass by the following vote:

Ayes: Chatham, Cohen, Crouse, D'Ewart, Goodwin, Haight, Ijams, Jackson, Lasby, Lemmer, Monahan, Padbury, Phelan, Reed, Shanley, Smith, Stromnes, Toomey, Trandum, Vanek, Wenger. Total 21.

Noes: Acher, Alvord, Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cusick, Daly, Dougherty, Elliott, Finnegan, Freshman, Hardcastle,



Heavlin, Hedden, Hess, Hoiness, Holecek, Joffray, Johnson, Lambert, Lehrkind, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, Parker, Peterson (Pondera), Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Stortz, Tyler, Waldrop, Whaley, Wood, Mr. Speaker. Total 58.

Absent and not voting: Anderson (Chouteau), Anderson (Phillips), Conner, Cruickshank, DeDobbeleer, Green, Hamilton, Kelson, Kruse, Leeson, Levissee, Lippard, Love, Manning, Metlen, Mungas, O'Connor, O'Shea, Peterson (Sheridan), Scofield, Sherman. Total 21.

Passed their vote: Eggenberger, Haugan. Total 2.

House Joint Memorial No. 8 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Lemmer, Levissee, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Mitchell, Monahan, Mungas, O'Connor, Padbury, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 69.

Noes: Metcalf. Total 1.

Absent and not voting: Anderson (Chouteau), Brayman, Chatham, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Haight, Heavlin, Holecek, Joffray, Kelson, Kruse, Lambert, Leeson, Lehrkind, Lippard, Manning, Metlen, Miles, Miller ((Roosevelt), Miller (Big Horn), Minette, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Ruffcorn, Scott, Sherman. Total 32.

House Bill No. 214 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Ijams, Joffray, Johnson, Lambert, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Ruffcorn, Scofield, Shanley, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 77.

Noes: D'Ewart, Haight, Holecek, Lasby, Mungas, Peterson (Pondera), Scott, Stimatz. Total 8.

Absent and not voting: Anderson (Chouteau), Chatham, Hamilton, Heavlin, Hoiness, Jackson, Kelson, Kruse, Leeson, Lippard, Love, Manning, O'Shea, Peterson (Sheridan), Schneider, Sherman, Wood. Total 17.

House Bill No. 337 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland,

Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 78.

Noes: Stimatz. Total 1.

Absent and not voting: Anderson (Chouteau), Bloom, Burns, Hamilton, Holecek, Joffray, Kelson, Kruse, Leeson, Lippard, Longenecker, Love, Lovell, McLeod, Manning, Metlen, Minette, O'Shea, Peterson (Sheridan), Sherman, Stortz, Trandum, Whaley. Total 23.

### MOTIONS AND RESOLUTIONS

It was moved by Hedden, duly seconded and carried, that the Special Committee investigating the State Board of Equalization be given an extension of two days to report.

It was moved by Haight, duly seconded and carried, that the Special Committee investigating the Relief Commission be given an extension of seven days to report.

It was moved by Spiegel, duly seconded and carried, that the Clerk be authorized to receive Senate Bills up to Midnight, February 22nd, 1937.

On motion of Toomey, the House gave the Speaker a rising vote of thanks for the expeditious manner House Bills were handled and transmitted to the Senate, the House having cleared all bills by 8:00 o'clock P. M. on the Fiftieth day.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 1:00 P. M., Tuesday afternoon, February 23rd, 1937.

H. D. ROLPH,

JOHN J. JEWELL, Chief Clerk.

Speaker.

### FIFTY-FIRST DAY

House of Representatives,  
Helena, Montana,  
February 23rd, 1937.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: O'Shea, Peterson of Sheridan and Stromnes.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fiftieth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 6 respectfully report as follows: That Senate Joint Memorial No. 6 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Bill No. 125 respectfully report as follows: That Senate Bill No. 125 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 7 respectfully report as follows: That Senate Joint Memorial No. 7 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 104 and 286.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 55 and 163.

House Bill No. 240 was this day recommended for non-concurrence in the Senate, and bill is herewith returned to the House.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Substitute Senate Bill No. 81 and Senate Bills Nos. 104, 132, 140, 151, 171, 172 and 178.

The following Senate Bills were this day read third time and passed, title and history agreed to and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 124, 150, 165, 184, 189, 191 and 194.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Joint Resolution No. 9, Senate Bills Nos. 21, 113, 117, 123, 141, 152, 155, 156, 157, 158, 164 and 177.

The following Senate Bills were this day read third time and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence: Senate Bills Nos. 84, 103, 139, 143, 154, 161, 174, 175, 185, 187, 188, 193, Senate Joint Resolution No. 8 and Senate Bills Nos. 127, 128, 145, 146, Senate Substitute for House Bill No. 154, Senate Bills Nos. 160, 176, 186, Senate Joint Memorial No. 8 and Senate Joint Memorial No. 9, Senate Bills Nos. 7, 54, 116, 153, 190, 195 and Substitute Senate Bill No. 182.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

### INTRODUCTION OF BILLS

Senate Bill No. 127, introduced by Swertelle and Murphy: A Bill for an Act entitled: "An Act providing for the greater security for the payment of salaries and wages by employers engaged in the business of extracting, or extracting and refining or reducing metals and minerals or mining for coal or drilling for oil, except such employers who have a free and unencumbered title to the fee of the property being worked." Referred to Committee on Mines and Mining.

Senate Bill No. 128, introduced by Mann and Foor: A Bill for an Act entitled: "An Act to amend Sections 3324 and 3327 of the Revised Codes of Montana, 1935, relating to inspection of livestock on removal from county to county and amending Chapter 288 of the Political Code of the Revised Codes of Montana, 1935, by adding a new Section to be known as Section 3326.1 relating to fees for inspection of livestock." Referred to Committee on Livestock and Public Ranges.

Senate Bill No. 145, introduced by Kroman, Wass and Hammond: A Bill for an Act entitled: "An Act to amend Sections 2429.17 and 2429.21 of the Revised Codes of Montana, 1935, relating to itinerant vendors' license and fixing the amount of such license and providing a penalty for failure to exhibit same." Referred to Committee on Townships and Counties.

Substitute Senate Bill No. 146, introduced by Committee on Stock Growing and Grazing: A Bill for an Act entitled: "An Act to regulate the slaughtering of cattle and horses and the selling of meat and by-products thereof; defining and providing for the licensing of butchers, meat peddlers and hide buyers; for the inspection of hides and meats; for the bonding of hide buyers; for the issuing and recording of certificates of inspection; authorizing the livestock Commission of Montana to make rules and regulations for the enforcement of this Act; and providing penalties for the violations of this Act, and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Livestock and Public Ranges.

Senate Bill No. 160, introduced by Campbell: A Bill for an Act entitled: "An Act to create a Legislative Reference Bureau, and to provide for its functions, operations and maintenance; providing for a Board of Trustees of such Bureau and the appointment of a Director and a Librarian, and for the employment of necessary assistants from time to time, and fixing the compensation of such employees, and providing an appropriation therefor, and to repeal Section 1568 of the Revised Codes of Montana, 1935." Referred to Committee on Economy.

Senate Bill No. 176, introduced by Judiciary Committee: A Bill for an Act entitled: "An Act declaring "Constitution Day" to be a legal holiday within the State and providing that appropriate exercises shall be conducted in the educational institutions including the public schools in commemoration of such Day." Referred to Committee on Education.

Senate Bill No. 54, introduced by Sullivan of Jefferson: A Bill for an Act entitled: "An Act to eliminate reckless and irresponsible drivers from the highways and relating to financial responsibility of motor vehicle owners and operators and making uniform the laws in relation thereto." Referred to Committee on Judiciary.

Substitute Senate Bill No. 182, introduced by Committee on Insurance: A Bill for an Act entitled: "An Act to administer unexpired insurance contracts and policies issued or entered into under the State Insurance Act; to equitably adjust said policies and contracts; to provide for the refund of excessive charges on policies to the State of Montana and its political subdivisions; providing for the cancellation or adjustment of the present reinsurance contract; providing for the manner whereby a reinsurance contract may be entered into and the administration thereof; providing for the refund of the premiums on policies during the time such policies were declared invalidated; providing for the creation of a fund and the disposition thereof and the participation of the State of Montana and its political subdivisions in such fund." Referred to Committee on Insurance.

Senate Bill No. 153, introduced by Kroman: A Bill for an Act entitled: "An Act to amend Section 4613.4 Revised Codes of Montana, 1935, relating to County Budgets; providing for hearings thereon, the manner in which appropriations contained therein shall be made and the amounts thereof determined, the time and manner of final adoption, the time and manner for fixing tax levies, requiring copies thereof to be filed with the state examiner and fixing a penalty for failure to so file copies." Referred to Committee on Townships and Counties.



Senate Bill No. 190, introduced by Committee on Counties and Towns: A Bill for an Act entitled: "An Act to amend Section 4613.6 Revised Codes of Montana, 1935, relating to county budgets; providing for emergency budgets and appropriations, for hearings thereon, for the issuance and payment of emergency warrants, making officers and their bondsmen liable for expenditures made in excess of budget appropriations and fixing the time when budget appropriations will lapse." Referred to Committee on Townships and Counties.

Senate Bill No. 195, introduced by Committee on Insurance: A Bill for an Act entitled: "An Act providing for the creation of a separate department of insurance and prescribing its powers and duties, providing for examination of insurance and surety companies; publication of examination; granting and revocation of licenses; prescribing penalties for the violation; repealing Sections 162 to 173.1 inclusive of the Revised Codes of Montana, 1935, and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Insurance.

Senate Bill No. 84, introduced by Nass: A Bill for an Act entitled: "An Act to amend Section 2153 of the Revised Codes of Montana, 1935, relating to a lien on personal property taxes and defining priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof." Referred to Committee on Revenue and Taxation.

Senate Bill No. 186, introduced by Committee on Fish and Game: A Bill for an Act entitled: "An Act to amend Sections 3745, 3746, 3747, 3748, 3749, and 3750 of Chapter 308 of the Revised Codes of Montana, 1935, pertaining to the definition of a hunting and fishing guide the licensing and duties thereof." Referred to Committee on Fish and Game.

Senate Bill No. 7, introduced by Hollenback: A Bill for an Act entitled: "An Act to amend Section 6968 of the Revised Codes of Montana, 1935, relating to the selection of homestead and the quantity and the value of the land thereof and repealing all Acts in conflict therewith." Referred to Committee on State Lands.

Senate Joint Memorial No. 9, introduced by Baker of Dawson County: A Resolution memorializing the Congress of the United States to enact legislation designating the 11th day of November (Armistice Day) a National Holiday. Referred to Committee on Federal Relations.

Senate Joint Memorial No. 8, introduced by Committee on Agriculture: A Memorial to the Congress of the United States, the Secretary of Agriculture, and the Director of Budgets requesting the necessary appropriation for the continued operation of the dry land demonstration stations at Moccasin and Huntley, Montana. Referred to Committee on Agriculture.

Senate Bill No. 103, introduced by Committee on Roads and Highways: A Bill for an Act entitled: "An Act relating to the Montana Highway Patrol and amending Section 1741.4 to 1741.11 inclusive of the Revised Codes of Montana 1935, relating to the appointment of a Supervisor, his qualifications, term of office, salary and duties; the qualifications, appointment, term salary and duties of Patrolmen and assistant Supervisors; equipment to be furnished for Patrolmen; defining and enumerating Acts constituting crimes pertaining to the use of highways and the operation of motor vehicles; prescribing penalties for violations; defining powers and authority of members of the Montana Highway Patrol and method of making arrests; fees of Justices of the Peace for the purpose of this Act; and state drivers' licenses; adding a new Section defin-

ing causes for dismissal, suspension, or demotion of members of the Highway Patrol and prescribing the manner for hearing charges against such members; and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

Senate Bill No. 139 was introduced and Haight of Fergus raised a point of order, stating that Senate Bill No. 139 was in the House in violation of Joint Rule No. 8, as the title of Senate Bill No. 139 was the same as House Bill No. 78. The Speaker's decision was that Senate Bill No. 139 was in the House in violation of Joint Rule No. 8 and therefore could not be accepted.

Senate Bill No. 143, introduced by Kathan: A Bill for an Act entitled: "An Act to amend Sections 5278.1 and 5278.6 of the Revised Codes of Montana, 1935, providing for the creation of indebtedness by cities and towns and the submission thereof to the electors." Referred to Committee on Townships and Counties.

Senate Bill No. 154, introduced by Kroman: A Bill for an Act entitled: "An Act to amend Section 5729 and 5730 of the Revised Codes of Montana 1935, relating to causes for annulling a marriage, actions therefor, and when and by whom commenced." Referred to Committee on Judiciary.

Senate Bill No. 124, introduced by Committee on New Counties and Divisions: A Bill for an Act entitled: "An Act providing for the abandonment and abolishment of counties and for attaching the territory of abandoned and abolished counties to adjoining counties, upon vote of the electors of such counties and the procedure therefor; providing that the terms of office of members of Boards of County Commissioners, Officers of such counties, and Representatives and Senators of such counties in the Legislative Assembly of the State of Montana shall cease and terminate upon the abandonment and the abolishment of counties; providing for the payment of the indebtedness of such counties and for tax levies for such purposes; and providing for the disposition of the moneys, credits and property owned by abandoned and abolished counties." Referred to Committee on New Counties and Divisions.

Senate Bill No. 175, introduced by Anderson, Simmons, Sullivan of Chouteau, Meyer and Hollenback: A Bill for an Act entitled: "An Act to amend Section 1783 of the Revised Codes of Montana of 1935 relating to State Highway Commission—creation—salary—bond—term of office, and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

Senate Bill No. 161, introduced by Committee on State Boards and Offices: A Bill for an Act entitled: "An Act to amend Section 2815.13 Revised Codes, Montana, 1935, relating to the manufacture, sale and transportation of beer and the definition and content thereof; and Section 2815.52 Revised Codes, Montana, 1935, relating to sale of beer by the State Board of Liquor Control." Referred to Committee on Public Morals, Charities and Reforms.

Senate Bill No. 185, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 9118 of the Revised Codes of the State of Montana, of 1935, relating to the manner of publication of summons." Referred to Committee on Judiciary.

Senate Bill No. 174, introduced by Simmons, Anderson, Sullivan of Chouteau, Meyer and Hollenback: A Bill for an Act entitled: "An Act to amend Section 2433.6 of the Revised Codes of Montana of 1935 relating

to investigation of applicant and granting of license—renewals—fees, and repealing all Acts and Parts of Acts in conflict herewith.” Referred to Committee on Highways and Highway Transportation.

Senate Bill No. 194, introduced by Federal Relations Committee: A Bill for an Act entitled: “An Act to amend Section 2778.2 of the Revised Codes of Montana, 1935, relating to liability for extinguishment of forest fires, providing exceptions thereto and repealing all Acts and Parts of Acts in conflict herewith.” Referred to Committee on Federal Relations.

Senate Bill No. 150, introduced by Committee on Judiciary: A Bill for an Act entitled: “An Act giving Mike Oreskovich permission to institute and prosecute an action in a District Court of the State of Montana against the State of Montana to determine whether the said Mike Oreskovich sustained injuries and damages as the result of an accident that occurred on or about the 19th day of December, 1932, on U. S. Highway No. 10, in Silver Bow County, Montana, and whether said accident was proximately caused by the carelessness and negligence of the State of Montana, acting by and through its State Highway Commission, and if so, to determine the amount of damages resultant to the said Mike Oreskovich therefrom, and providing further that service of summons in such action be made and had upon the Attorney General of the State of Montana.” Referred to Committee on Judiciary.

Senate Bill No. 165, introduced by Committee on Judiciary: A Bill for an Act entitled: “An Act providing for the placing an arrangement of the “Judicial Ballot” upon the ballot used at every General Election and repealing all Acts and Parts of Acts in conflict herewith.” Referred to Committee on Judiciary.

Senate Bill No. 184, introduced by Sullivan of Jefferson: A Bill for an Act entitled: “An Act making the throwing, dropping or placing of a lighted cigarette or cigarette stub or cigar or cigar stub or lighted matches on the floor or furnishing of any public building, hotel, boarding house or rooming house a misdemeanor and providing penalty.” Referred to Committee on Public Safety.

Senate Bill No. 191, introduced by Committee on Taxation: A Bill for an Act entitled: “An Act to create a tax investigation Commission and prescribing its duties and powers.” Referred to Committee on Revenue and Taxation.

Senate Joint Resolution No. 9, introduced by Committee on Stock Growing and Grazing: A Resolution requesting the Department of Agriculture to invoke certain rules and regulations under which the marketing agencies and dealers operate. Referred to Committee on Livestock and Public Ranges.

Senate Bill No. 157, introduced by Committee on Elections and Privileges: A Bill for an Act entitled: “An Act to amend Section 774 of the Revised Codes of Montana, 1935, relating to election returns; canvass to be public and without adjournment; only Judges and Clerks of election allowed within ten feet of where ballots are being counted; penalty for violation of this Act.” Referred to Committee on Privileges and Elections.

Senate Bill No. 177, introduced by Smith: A Bill for an Act entitled: “An Act to amend Section 9894 of the Revised Codes of the State of Montana of 1935, relating to the complaint in forcible entry and detainer actions and, providing, by such amendment that a copy of the complaint

must be served with the summons, and to amend Chapter 98 of the Code of Civil Procedure of the Revised Codes of Montana of 1935 by adding thereto a new Section to be known as Section 9894.1 and, providing, that where the unlawful detainer charged be after default in the payment of rent that the District Court shall order the defendant to show cause why he should not be enjoined from further occupation of the premises; providing, for notice to the defendant of such order; and, providing, for an injunction upon a proper showing at the hearing; and, providing, for a writ of eviction." Referred to Committee on Judiciary.

Senate Bill No. 113, introduced by Committee on State and County Economies: A Bill for an Act entitled: "An Act amending Section 4630.1, Revised Codes of Montana, 1935, relating to the purposes for which bonds may be issued by Boards of County Commissioners in the State of Montana by adding thereto two new subdivisions to be known as subdivision (h) and subdivision (i), providing that bonds may be issued for the purpose of funding, paying, compromising, settling and satisfying any judgment which may have been rendered against a county and authorizing county Commissioners in counties having an indebtedness exceeding the Constitutional limitation to negotiate for and enter into agreements with bondholders whereby said bondholders agree to accept less than the amount of the outstanding bonds and interest thereon in full payment and satisfaction of the indebtedness evidenced by the bonds of the county and to issue refunding bonds for the amount agreed upon; amending Section 4630.3, Revised Codes of Montana, 1935, relating to the limitation on amount of county bonds which may be issued; amending Section 4630.4, Revised Codes of Montana, 1935, relating to the term, redemption and maximum interest rate of county bonds; amending Section 4630.6, Revised Codes of Montana, 1935, relating to the purposes for which county bonds may be issued without holding an election; repealing Chapter 6 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly relating to a method and procedure for refunding outstanding bonded indebtedness of certain counties, cities, towns or school districts in this State and all Acts and Parts of Acts in conflict herewith." Referred to Committee on Economy.

Senate Bill No. 123, introduced by Armstrong: A Bill for an Act entitled: "An Act to amend Section 681 of the Revised Codes of Montana, 1935, relating to the form, color and size of ballot, and Section 682 of the Revised Codes of Montana, 1935, relating to ballot indicating party or principal, selection of same and how made in case of double nomination; providing by such amendments: for a shorter ballot to be used in general elections held within the State; providing that all candidates for each office shall be printed on the ballot in one group under the designation of such office, and that the candidates of major political parties shall be arranged above other candidates; and providing that the political designation of each candidate shall appear after such candidate's name on such ballot." Referred to Committee on Privileges and Elections.

Senate Bill No. 158, introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 782 of the Revised Codes of Montana, 1935, relating to the election returns; providing the manner in which election returns shall be made by the Judges; providing for the selection of one Judge to deliver duplicate election returns to the Clerk of the District Court, and to repeal Section 783 of the Revised Codes of Montana, 1935, also relating to election returns." Referred to Committee on Privileges and Elections.

Senate Bill No. 164, introduced by Angvick and Ecton: A Bill for an Act entitled: "An Act to amend Section 3594 and 3599 of the Revised Codes of Montana 1935, relating to the labeling of agricultural seed and having seeds tested for the purpose of labeling." Referred to Committee on Agriculture.



Senate Bill No. 156, introduced by Committee on Election and Privileges: A Bill for an Act entitled: "An Act to amend Section 700 of the Revised Codes of Montana, 1935, relating to conducting elections; who may put ballots into ballot box; providing penalty for violation of this Act." Referred to Committee on Privileges and Elections.

Senate Bill No. 155, introduced by Committee on Elections and Privileges: A Bill for an Act entitled: "An Act to amend Section 693 of the Revised Codes of Montana, 1935, relating to conducting elections; providing who is permitted inside election rail; prohibiting electioneering on election Day within 25 feet of polling place, naming peace officers whose duty it is to prevent obstruction to polling place; providing manner in which elector shall receive his ballot—vote—and dispose of voted ballot." Referred to Commission on Privileges and Elections.

Senate Bill No. 152, introduced by Kroman: A Bill for an Act entitled: "An Act relating to powers of irrigation districts and the Commissioners thereof, and authorizing such districts to convey, assign, transfer, and set over to the State Water Conservation Board or other persons its property including water rights, rights of way, and easements for reservoirs, canals, ditches, laterals, and headgates for the purpose of this Act." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 141, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to make uniform the procedure on interstate extradition." Referred to Committee on Judiciary.

Senate Bill No. 117, introduced by Ecton: A Bill for an Act entitled: "An Act granting continual existence to corporations and water users' associations organized for the purpose of acquiring and owning water rights and constructing, maintaining and operating canals, ditches, flumes and other works for conveying water, and reservoirs for storing the same." Referred to Committee on Judiciary.

Senate Joint Resolution No. 8, introduced by Committee on Aviation: A Joint Resolution selecting and designating a State song for the State of Montana. Referred to Committee on Entertainment.

Senate Bill No. 193, introduced by Committee on Judiciary: A Bill for an Act entitled: "An Act to amend Section 12543, Revised Codes of Montana, 1935, relating to rescues, attempts to rescue and permitting inmates of the vocational school for girls to escape, making same a crime and fixing the punishment for such crime, and repealing all Acts or Parts of Acts in conflict herewith." Referred to Committee on Judiciary.

Senate Bill No. 187, introduced by Sullivan of Jefferson County: A Bill for an Act entitled: "An Act to amend Section 2214.2 of the Revised Codes of Montana, 1935, relating to legalizing and validating tax deeds heretofore issued notwithstanding any error in the form, substance or amounts stated in notice of application for tax deed." Referred to Committee on Judiciary.

Senate Bill No. 188, introduced by Committee on Agriculture: A Bill for an Act entitled: "An Act authorizing the Montana Rural Rehabilitation Corporation to bargain, sell, convey, transfer or assign any or all of its assets and property to the United States of America under certain conditions; authorizing the said Corporation to permit and empower the Secretary of Agriculture or his successors, exclusively to manage and direct the affairs of the said Corporation, and ratifying certain Acts of the said Corporation." Referred to Committee on Agriculture.

Senate Bill No. 116, introduced by Committee on Relief and Social Welfare: A Bill for an Act entitled: "An Act creating and establishing a Department of Public Welfare and providing for a State and County Boards of Public Welfare and for Officers and Employees thereof; defining the powers and duties of such Department, Boards and Officers; making more adequate provision for the care of needy aged persons, dependent, crippled and delinquent children and children in danger of becoming delinquent and for the care of needy blind persons; providing for the supervision of all forms of public assistance and state activities in connection therewith; the granting of licenses to certain charitable institutions; providing for the raising of revenue for the purposes of this Act; providing for the cooperation of the State Department of Public Welfare with other State and Federal Agencies; providing for the administration of all funds appropriated by the State of Montana or made available to the State of Montana by Congress or by order of the Executive Department of the United States, and repealing Sections 325, 326, 327, 328, 333, 334, 335, 335.1 to 335.17 inclusive, 335.18 to 335.45, inclusive, 336 to 341, 344 to 347, inclusive, 2512 to 2514, inclusive, and 10480 to 10487, inclusive, Revised Codes of Montana, 1935, and all other Acts and Parts of Acts in conflict with the provisions of this Act." Referred to Committee on Social Security.

Senate Bill No. 178, introduced by Cooper: An Act entitled: "An Act regulating dealers engaged in buying, selling hay; providing licenses, amount thereof; providing for bonds and amount thereof; providing for inspection; providing for repeal of Sections 4230 and 3608.1 Revised Codes of Montana 1935 and all Acts and Parts of Acts in conflict herewith." Referred to Committee on Horticulture.

Senate Bill No. 171, introduced by the Committee on Sanitary Affairs: A Bill for an Act entitled: "An Act to prevent the manufacture, sale or distribution of adulterated or misbranded cosmetics and to regulate traffic therein in the State of Montana; to prohibit the sale of poisonous, injurious or detrimental cosmetics; to provide for the registration, inspection and analysis, and the collection of registration fees from manufacturers or dealers in cosmetics; to authorize the expenditure of funds derived from registration fees; to fix penalties for the violation of the provisions of the Act; and to repeal all other Acts or Parts of Acts inconsistent herewith." Referred to Committee on Public Health and Sanitary Affairs.

Senate Bill No. 151, introduced by Judiciary: A Bill for an Act entitled: "An Act giving Manda Ugarkovich as surviving widow of John Ugarkovich or the personal Representative or personal Representatives of John Ugarkovich permission to institute and prosecute an action in a District Court of the State of Montana, against the State of Montana to determine whether the said John Ugarkovich met his death as the result of injuries sustained in an accident that occurred on or about December 19, 1932, on U. S. Highway No. 10, in Silver Bow County, Montana and whether said accident was proximately caused by the carelessness and negligence of the State of Montana acting by and through its State Highway Commission, and if so to determine the resultant damages therefrom, and providing further that service or summons in such action shall be made and had upon the Attorney General of the State of Montana." Referred to Committee on Judiciary.

Senate Bill No. 172, introduced by Plank, Benjamin, Wass, Garrison, Pauline, Cotter: A Bill for an Act entitled: "An Act creating a State Department to be designated the Department of Public Works and creating a Public Works Commission; providing for the appointment of the Director of Public Works and the Public Works Commissioners; providing for meetings of the Public Works Commission and for delegation of authority; prescribing the duties, powers, purposes, responsibilities, and

jurisdiction of said Department and for the succession to and administration by said Department of all the duties, powers, purposes, responsibilities, and jurisdiction now vested in the State Highway Commission and the State Highway Commissioner, the State Water Conservation Board, and the State Planning Board; abolishing the offices of State Highway Commission and State Highway Commissioner, State Water Conservation Board, and State Planning Board, and transferring to the Department of Public Works all real and personal property, records, equipment, supplies, funds, and other property of every nature; providing for the organization and functioning of the Department of Public Works; providing for the compensation, hiring and discharging of agents and employees of said Department; providing for the validation and continuation in effect of all existing contracts and agreements; deeming and declaring this Act an emergency measure; defining the construction to be placed upon this Act; and repealing all Acts and Parts of Acts in conflict herewith." Referred to Committee on State Boards and Offices.

Senate Bill No. 21, introduced by Pauline: A Bill for an Act entitled: "An Act prescribing the procedure of removal of certain public officers by the Governor of the State of Montana." Referred to Committee on Judiciary.

Senate Bill No. 132, introduced by Angvick: A Bill for an Act entitled: "An Act to amend Section 4749.7 of the Revised Codes of Montana, 1935, relating to the salary and bond of officers upon consolidation of two or more county offices; providing for the appointment of deputies of officers of a consolidated office; providing that the County Commissioners shall determine the number of deputies." Referred to Committee on New Counties and Divisions.

Senate Bill No. 140, introduced by Meyer: A Bill for an Act entitled: "An Act to amend Section 293.10 of the Revised Codes of the State of Montana of 1935, relating to the governing of the State Purchasing Department and the manner of purchasing supplies and allowing purchase of Montana produced or manufactured products or purchase from Montana dealers under certain conditions and allowing a differential in price to be paid therefor, not to exceed five per centum (5%)." Referred to Committee on Labor.

Senate Bill No. 104, introduced by Benjamin by request: A Bill for an Act entitled: "An Act amending Sections 3228.19, 3228.20, 3228.21 and 3228.29 of the Revised Codes of Montana, 1935; relating to sanitation of barber shops, barber schools, and barber colleges; defining the term "Barber Shop"; relating to the definition of the practice of barbering; relating to qualifications for certificate of registration, as registered barbers, apprentices, barber schools and barber colleges; relating to fees to be paid by barbers, students and apprentices." Referred to Committee on Public Health and Sanitary Affairs.

Substitute Senate Bill No. 81, introduced by Committee on Banks and Banking: A Bill for an Act entitled: "An Act to authorize any bank, trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this state or the superintendent of banks as the liquidating agent thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or the superintendent of banks as liquidating agent, by virtue of any act or resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Cor-

poration: to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said corporation and to comply with its regulations and requirements: to authorize the superintendent of banks to appoint the Federal Deposit Insurance Corporation as his agent in the liquidation of any such insured closed banking institution; to authorize said corporation to make loans to same and to the superintendent of banks as liquidating agent therefor; to provide for the subrogation of said corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize right of said corporation to make examinations of and to require reports from such institution, and the superintendent of banks to accept same in lieu of any examination or report authorized to be made to said official: to provide for disclosure by said superintendent of banks to said corporation of the condition and affairs of such insured institution and access to information regarding same." Referred to Committee on Banks and Banking.

The Speaker signed in Open Session the following measures: Senate Bills Nos. 36, 44, 70, 56 and Substitute Senate Bill No. 3.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Spiegel in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 143 be concurred in.

That Senate Amendments to House Bill No. 189 be concurred in.

That Senate Amendments to House Bill No. 75 be concurred in.

That Senate Amendments to House Bill No. 271 be concurred in.

That Senate Amendments to House Bill No. 89 be concurred in.

That Senate Amendments to House Bill No. 55 be concurred in.

That Senate Amendments to House Bill No. 163 be concurred in.

That Senate Bill No. 32 be concurred in.

SPIEGEL, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Campbell, duly seconded and carried, that Senate Amendments to House Bills Nos. 271 and 55 be placed at the head of Third Reading.

### THIRD READING

The following having been read three several times, history and title agreed to were disposed of as follows: (all appropriation measures having been read at length)

Senate Amendments to House Bill No. 55 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roose-



velt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 77.

Noes: D'Ewart. Total 1.

Absent and not voting: Anderson (Silver Bow), Bjorneby, Brennan, DeDobbeleer, Dougherty, Hamilton, Holecek, Joffray, Kelson, Kruse, Levissee, Lippard, Manning, Metlen, Miles, O'Shea, Padbury, Peterson (Sheridan), Stimatz, Stortz, Stromnes, Trandum, Tyler, Whaley. Total 24.

Senate Amendments to House Bill No. 271 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cusick, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lemmer, Longenecker, Lovell, McClain, McKenna, McLeod, Masterson, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 68.

Noes: Crouse, Cruickshank, Haight, Lambert, Lehrkind. Total 5.

Absent and not voting: Bjorneby, Brennan, Daly, DeDobbeleer, D'Ewart, Dougherty, Hamilton, Holecek, Joffray, Kelson, Kruse, Levissee, Lippard, Love, Mackie, Manning, Measure, Metlen, Miles, Miller (Big Horn), O'Shea, Padbury, Peterson (Sheridan), Stimatz, Stortz, Stromnes, Trandum, Waldrop, Whaley. Total 29.

Senate Amendments to House Bill No. 189 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 73.

Noes: None.

Absent and not voting: Bjorneby, Brennan, Campbell, Chatham, DeDobbeleer, Dougherty, Green, Heavlin, Hoiness, Holecek, Joffray, Kelson, Kruse, Lippard, Mackie, Manning, Miles, Miller (Big Horn), O'Shea, Padbury, Peterson (Sheridan), Schneider, Scofield, Stimatz, Stortz, Stromnes, Trandum, Waldrop, Whaley. Total 29.

Senate Amendments to House Bill No. 143 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Chamberlain, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Eggenberger, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Scott, Shanley, Sherman,

Smith, Sorte, Spiegel, Toomey, Vanek, Waldrop, Wood, Mr. Speaker. Total 61.

Noes: Burns, Campbell, Daly, Finnegan, Lehrkind, Levissee, McLeod, Mackie, Measure, Metcalf, Mitchell, Wenger. Total 12.

Absent and not voting: Bjorneby, Brayman, Brennan, Chatham, Cusick, DeDobbeleer, Dougherty, Elliott, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lippard, Manning, Masterson, Miles, O'Shea, Padbury, Peterson (Sheridan), Schneider, Scofield, Stimatz, Stortz, Stromnes, Trandum, Tyler, Whaley. Total 29.

Senate Amendments to House Bill No. 75 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, Parker, Peterson (Pondera), Reed, Shanley, Sherman, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wood, Mr. Speaker. Total 70.

Noes: Burns, McLeod, Mitchell, O'Connor, Scott, Smith, Wenger, Total 7.

Absent and not voting: Bjorneby, Brennan, DeDobbeleer, Dougherty, Eggenberger, Heavlin, Holecek, Joffray, Kelson, Kruse, Lippard, Miles, O'Shea, Padbury, Peterson (Sheridan), Phelan, Scofield, Sorte, Stimatz, Stortz, Stromnes, Trandum, Whaley. Total 23.

Passed their vote: Ruffcorn, Schneider. Total 2.

Senate Amendments to House Bill No. 89 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lehrkind, Lemmer, Levissee, McClain, McKenna, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 65.

Noes: D'Ewart, Haight, Leeson, Longenecker, Lovell, Miles, Mungas, Scofield, Toomey. Total 9.

Absent and not voting: Bjorneby, Brennan, Campbell, DeDobbeleer, Dougherty, Eggenberger, Hamilton, Heavlin, Holecek, Joffray, Kelson, Kruse, Lasby, Lippard, Love, McLeod, Mackie, Manning, Minnette, Mitchell, O'Shea, Padbury, Peterson (Sheridan), Stimatz, Stortz, Stromnes, Trandum, Whaley. Total 28.

Senate Amendments to House Bill No. 163 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, Mackie, Measure,

Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 68.

Noes: Lovell, Mungas. Total 2.

Absent and not voting: Bjorneby, Brennan, Campbell, Chatham, Cohen, Conner, DeDobbeleer, Dougherty, Freshman, Green, Heavlin, Holecek, Joffray, Johnson, Kelson, Kruse, Lippard, McLeod, Manning, Master-son, Metcalf, Metlen, Mulholland, O'Shea, Padbury, Peterson (Sheridan), Reed, Stimatz, Stortz, Stromnes, Trandum, Whaley. Total 32.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Spiegel in the Chair. Committee arose.

House resumed. Speaker Pro Tem in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bills Nos. 57, 64, 49, 88, 60, 58, 87, 82, 61, 138, 101, 118, 119 and Substitute Senate Bill No. 55 be concurred in.

That consideration of Senate Bills Nos. 183 and 115 be passed for the day.

That Senate Bills Nos. 6 and 99 be concurred in.

That Senate Joint Memorial No. 5 be concurred in.

That Senate Joint Resolution No. 6 be concurred in.

SPIEGEL, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Wednesday morning, February 24th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### FIFTY-SECOND DAY

House of Representatives,  
Helena, Montana,  
February 24, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: Bjorneby, Kelson, Peterson (Sheridan), Reed and Stromnes.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fiftieth and Fifty-first Legislative Days, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, a minority of your Committee on Social Security, having had under consideration Senate Bill No. 116 respectfully report as follows: That Senate Bill No. 116 do not pass.

DOUGHERTY,  
D'EWART,  
ELLIOTT,  
STORTZ.

Mr. Speaker: We, a majority of your Committee on Social Security, having had under consideration Senate Bill No. 116, respectfully report as follows: That Senate Bill No. 116 be referred to the Committee on Appropriations.

MINETTE,  
COHEN,  
HAMILTON,  
WENGER,  
EGGENBERGER.

It was moved by Minette, duly seconded, that the report of the majority be adopted. On substitute motion, it was moved by Stortz, duly seconded and carried, that the report of the minority be adopted.

It was moved by Chamberlain, duly seconded, that the House reconsider its action on Senate Bill No. 116. On substitute motion, it was moved by Stortz, duly seconded, and carried, that the motion by Chamberlain be laid on the table.

Mr. Speaker: We, your Committee on State Lands, having had under consideration Senate Bill No. 7, respectfully report as follows: That Senate Bill No. 7 be concurred in.

MILLER (Big Horn), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 72, respectfully report as follows: That Senate Bill No. 72 be concurred in.

ANDERSON (Chouteau), Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

Smith appealed from the decision of the Chair made on February 22nd, on Senate Bill No. 139. The Speaker ruled that the appeal by Smith was out of order, because he had not appealed at the time the decision was made. Smith then appealed from this decision of the Chair. On a rising vote the Speaker was sustained.

It was moved by Smith, duly seconded and carried, that the Clerk read the history of House Bill No. 158.

It was moved by McLeod, duly seconded and carried, that the Clerk read Joint Rule No. 8.

It was moved by Smith, duly seconded, that the House suspend Joint Rule No. 8. Motion was referred to the Committee on Rules, Joint Rules and Order of Business.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:



Senate Bill No. 99 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brennan, Campbell, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stimatz, Stortz, Vanek, Waldrop, Wenger, Wood, Chamberlain, Mr. Speaker. Total 74.

Noes: Burns, D'Ewart. Total 2.

Absent and not voting: Bjerneby, Bloom, Chatham, Cusick, Elliott, Freshman, Green, Holecek, Kelson, Levissee, Lippard, Longenecker, Manning, Metcalf, Metlen, Minette, Peterson (Sheridan), Reed, Schneider, Sorte, Stromnes, Toomey, Trandum, Tyler, Whaley, Brayman. Total 26.

Senate Bill No. 119 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Goodwin, Green, Hamilton, Heavlin, Hedden, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Lippard, McKenna, Mackie, Metlen, Miller (Big Horn), O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Stortz, Trandum, Waldrop, Wenger, Wood, Mr. Speaker. Total 55.

Noes: D'Ewart, Eggenberger, Haight, Haugan, Hess, Lasby, Longenecker, Love, McClain, Measure, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Sorte, Tyler, Stimatz, Vanek. Total 20.

Absent and not voting: Anderson (Chouteau), Bjerneby, Bloom, Chatham, Elliott, Hardcastle, Hoiness, Holecek, Joffray, Kelson, Levissee, Lovell, McLeod, Manning, Masterson, Metcalf, Minette, Mungas, Padbury, Peterson (Sheridan), Reed, Schneider, Smith, Spiegel, Stromnes, Toomey, Whaley. Total 27.

Senate Bill No. 118 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 74.

Noes: Lovell. Total 1.

Absent and not voting: Anderson (Chouteau), Bjerneby, Burns, Chatham, Cusick, D'Ewart, Dougherty, Hedden, Hoiness, Holecek, Joffray, Kelson, Manning, Masterson, Metcalf, Metlen, Minette, O'Connor, Peterson (Sheridan), Reed, Schneider, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley. Total 27.

Senate Bill No. 101 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Campbell, Cham-

berlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Vanek, Wenger, Wood, Mr. Speaker. Total 75.

Noes: D'Ewart, Lambert. Total 2.

Absent and not voting: Anderson (Lincoln), Bjerneby, Bloom, Chatham, Eggenberger, Holecek, Joffray, Kelson, Longenecker, Manning, Masterson, Metcalf, Minette, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Smith, Stortz, Stromnes, Trandum, Tyler, Waldrop, Whaley. Total 25.

Senate Bill No. 138 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cusick, Daly, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 74.

Noes: Hoiness, Lovell, Mungas, D'Ewart. Total 4.

Absent and not voting: Acher, Bjerneby, Bloom, Chatham, Conner, Cruickshank, DeDobbeleer, Eggenberger, Haight, Holecek, Joffray, Kelson, Masterson, Metcalf, Mitchell, Parker, Peterson (Sheridan), Reed, Schneider, Smith, Stortz, Stromnes, Trandum, Whaley. Total 24.

Senate Bill No. 61 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Spiegel, Stimatz, Toomey, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 81.

Noes: Sorte. Total 1.

Absent and not voting: Anderson (Lincoln), Bjerneby, Bloom, Chamberlain, Chatham, Elliott, Holecek, Joffray, Kelson, Manning, Metcalf, Mitchell, Peterson (Sheridan), Reed, Smith, Stortz, Stromnes, Trandum, Tyler, Whaley. Total 20.

Senate Bill No. 82 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton,

Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, Loveil, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Smith, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood, Anderson (Lincoln), Mr. Speaker. Total 80.

Noes: Levissee, Scott, Sorte. Total 3.

Absent and not voting: Chatham, Conner, Dougherty, Eggenberger, Holecek, Joffray, Kelson, Manning, Metcalf, Padbury, Peterson (Sheridan), Reed, Sherman, Stortz, Stromnes, Trandum, Vanek, Whaley, Bjorneby. Total 19.

Senate Bill No. 87 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hess, Honiess, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Lovell, McClain, McKenna, McLeod, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Phelan, Ruffcorn, Scofield, Scott, Sherman, Sorte, Spiegel, Stortz, Tyler, Vanek, Wood. Total 72.

Noes: Longenecker, Stimatz, Mr. Speaker. Total 3.

Absent and not voting: Bjorneby, Haight, Hamilton, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lambert, Love, Mackie, Manning, Measure, Metcalf, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Shanley, Smith, Stromnes, Toomey, Trandum, Waldrop, Wenger, Whaley. Total 27.

Senate Bill No. 58 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stortz, Tyler, Waldrop. Total 69.

Noes: Stimatz. Total 1.

Absent and not voting: Bjorneby, Brennan, Chamberlain, Chatham, Conner, Elliott, Haight, Hedden, Holecek, Joffray, Johnson, Kelson, Lovell, Measure, Metcalf, Minette, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Sherman, Smith, Stromnes, Toomey, Trandum, Vanek, Wanger, Whaley, Wood, Mr. Speaker. Total 31.

Passed their vote: Mungas. Total 1.

Senate Bill No. 88 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Burns, Cohen, Conner, Cruickshank, Cusick, Dougherty, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Masterson, Measure, Miles,

Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Ruffcorn, Schneider, Shanley, Sorte, Spiegel, Stortz, Tyler, Vanek, Waldrop, Mr. Speaker. Total 55.

Noes: Daly, Lasby, Phelan, Scott, Stimatz. Total 5.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Bloom, Brennan, Campbell, Chamberlain, Chatham, Crouse, DeDobbeleer, D'Ewart, Finnegan, Green, Haight, Hedden, Holecek, Joffray, Johnson, Kelson, Longenecker, Lovell, Mackie, Manning, Metcalf, Metlen, Minette, Mitchell, O'Connor, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Sherman, Smith, Stromnes, Toomey, Trandum, Wenger, Whaley, Wood. Total 40.

Passed their vote: Eggenberger, Scofield. Total 2.

Substitute Senate Bill No. 55 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Love, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Miles, Miller (Roosevelt), Mulholland, Nelson, O'Connor, O'Shea, Parker, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stortz, Tyler, Wood, Mr. Speaker. Total 61.

Noes: Daly, Green, Haight, Lambert, Longenecker, Miller (Big Horn), Stimatz, Vanek. Total 8.

Absent and not voting: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Campbell, Chatham, D'Ewart, Haugan, Holecek, Joffray, Johnson, Kelson, Lippard, Lovell, Manning, Metcalf, Metlen, Minette, Mitchell, Monahan, Mungas, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Sherman, Smith, Stromnes, Toomey, Trandum, Waldrop, Wenger, Whaley. Total 33.

Senate Bill No. 57 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bower, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Longenecker, Love, McClain, McKenna, Mackie, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 71.

Noes: Peterson (Pondera). Total 1.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Campbell, Chatham, Conner, Heavlin, Holecek, Ijams, Joffray, Kelson, Kruse, Lippard, Lovell, McLeod, Manning, Metcalf, Metlen, Miles, Minette, O'Connor, Padbury, Peterson (Sheridan), Reed, Smith, Stromnes, Toomey, Trandum. Total 30.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the Clerk be instructed to have all Senate Amendments to House Bills mimeographed and placed on the desks of the members.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.



## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.  
Acher of Blaine excused because of illness.

## MOTIONS AND RESOLUTIONS

It was moved by Hedden, duly seconded and carried, that the House go into Executive Session to hear the report of the Committee on House Resolution No. 3. On motion of Hedden, duly seconded and carried, the following report was adopted in Executive Session:

REPORT OF SELECT COMMITTEE TO INVESTIGATE  
THE STATE BOARD OF EQUALIZATION

Mr. Speaker: We, your Select Committee, appointed to investigate the State Board of Equalization and the administration of the laws confided to it, under authority of House Resolution No. 3, approved and passed by the House of Representatives of the Twenty-fifth Legislative Assembly on January 21st, 1937, as extended by preliminary report approved by the House on the forty-fifth legislative day, February 17, 1937, respectfully report to the House as follows:

## I.

## Scope of Investigation

House Resolution No. 3 invested your committee with plenary power to conduct the investigation ordered by the House and imposed no arbitrary restrictions upon the character of the investigation. Responsive to the spirit of the resolution, as well as its letter, we have undertaken during the time at our disposal, necessarily limited by our many conflicting legislative duties, to inquire into as many phases of the activities and administration of the State Board of Equalization as possible, including the methods of conducting public business, internal routine, performance of duty by the personnel of the Board and its staff and many other matters. We have heard the testimony of all members of the Board, of several of its staff and of others who have had business before the Board or direct or first hand knowledge of its affairs, and witnesses by us called at the request of Board members. This testimony has been transcribed and is available in typed form accompanying this report.

Additionally, we employed, pursuant to the authority contained in the resolution, Mr. R. A. Lathom, a certified public accountant and at one time Deputy State Examiner, in connection with certain phases of our investigation. Mr. Lathom had heretofore made periodic and special examinations of the State Board and is perhaps as familiar with its general operations as any person in Montana not connected with the Board.

Candor requires us to say that it would take much more time than was available to your committee to make an exhaustive investigation, but our findings are, we believe, sufficiently specific and amply supported by sufficient proof, to warrant the actions hereinafter recommended.

## II.

## Importance of the Board

The members of the State Board of Equalization are as of the date of this report Mr. Jas. W. Stewart, chairman, whose term of office expires March 1, 1937, Mr. John J. Greene, whose term of office expires March 1, 1939, Mr. Sam D. Goza, whose term of office expires March 1, 1941. Mr. James W. Stewart will be succeeded on March 1, 1937 by E. A. Dye, a former newspaper man of Great Falls.

The State Board of Equalization is a Board created by constitutional amendment in 1922 and fully established by statutes adopted by the Legislative Assembly in 1923. Its members are appointed by the Governor for terms of six years and under the decisions in cases affecting like state officers, namely, the Commissioner of Agriculture, Labor and Industry, a constitutional officer, and the State Highway Commission, a statutory board, the members are removable by the Governor after notice and hearing for good cause shown.

The Board is charged with the administration of some nineteen revenue Statutes, and, perhaps, of greater importance, with fixing the valuation for tax purposes of all inter-county property notably railroads and public utilities and on proper appeal of equalization proceedings, with fixing the valuation, literally and in fact, of every acre of real property and every item of personal property in the State of Montana.

By the statute of its creation the Legislature sought to provide that the members of the Board should have special qualifications for the work, namely: "knowledge of the subject of taxation and skill in matters pertaining thereto." Very little, if any, attention has been paid to this legislative command with the result that the personnel of the Board, with certain exceptions, has not been, and is not qualified in accordance with the statute and this fact doubtless contributes its share to conditions resulting in the criticisms hereafter made. In this respect the State Senate must share some responsibility as it has repeatedly confirmed the nominations by various Governors to the Board, without careful scrutiny as to their qualifications in tax matters. Too often the successive Governors have been actuated by political motives in nominating appointees and the Senators have acquiesced, not always without substantial protest, in these appointments. The people in this state are fairly familiar with this fact and, we believe, disapprove of this disregard of statutory requirements. In passing it may be observed that the failure to prescribe qualifications for state and even county officers generally, results in the elevation of inferior personnel to such offices in Montana and very serious delinquencies in carrying out public duties.

### III.

#### Internal Administration

**Minutes and Records:** The condition of the Boards records and the admissions by members of the board in their testimony with respect thereto, exhibits a marked laxness in administration and, generally, a failure of executive vigor and command.

Specifically, the minutes of the Board are comparatively idle recordings. It appears that for a number of years after its creation the Board made no attempt to record the minutes of its meetings, and board action, as such, was evidenced only in final orders attached to various files or in letters written by some members of the Board or the Board's secretary. Later, and after the appointment of Member Muri, who had years of experience as Clerk of a District Court in this state, attempt was made to formulate minutes showing the days of meetings, the members present, matters coming before the Board, parties and witnesses appearing, etc. This system aimed to embrace all actions of the Board both in Helena, and in the field in the course of visitations to counties during the period when appeals from assessments were under consideration. The minutes actually recorded, however, fall far short of these objectives, are exceedingly scanty and reveal very little in substance. Specifically the minutes do not record the votes of the members of the Board on any matters before it except in rare instances. Again, the minutes do not assume to set forth the final disposition of many matters or if such final disposition is recorded in skeleton outline, there is no recital of grounds or reasons for the Board's conclusions.

It does not appear that the members of the Board, as such, supervise the preparation of the minutes, or inspect the minutes, if any, after they are recorded but, on the other hand, leave all of such business to the secretary who is also the head of the inheritance tax department.

**Expense Claims.** Again, the minutes of the Board are not trustworthy, or if such minutes are correct, claims filed by Board members are seemingly untrue, for there is complete and flat contradictions between the minutes of the Board showing meetings at certain points, with certain members present, while expense claims evidence that the same members were not in attendance at such meetings, but at other points in the State of Montana or elsewhere. By way of example:

On September 15, 1933, the minutes of the Board show a meeting in Helena with all members present, but on the same date Mr. Muri was in Forsyth and Mr. Stewart driving from Billings to Helena.

On January 23, 1935, April 23, 1935, May 24 and 25, 1935, the minutes of the Board show meetings in Helena with all members present, approving beer licenses and other matters when in fact Mr. Stewart was in Butte, Missoula and Great Falls.

On April 23, June 26, 27, 28, 1935, the minutes of the Board show meetings in Helena with all members present, but the expense claim shows Mr. Greene in Missoula and Great Falls.

On July 10, 11, 1935, minutes show meetings in Helena with all members present but Mr. Stewart shows those dates on his expense claim but does not show destination or location.

On September 11, 12, and 13, 1935, minutes show meetings in Helena, Butte and Anaconda with all members present. We do not believe meetings were held in Helena during these dates, but it would be possible for the members to drive in to Helena and then return to Butte.

On August 5, 1935, minutes show a meeting in Helena with full board present when in fact Mr. Greene was in Great Falls as shown by his expense claim. August 13, 14, 15, 16 and 17, 1935, the minutes show all members present in Helena and Mr. Greene shows on his expense claim for such dates his presence in Kalispell, Browning and Great Falls. On August 23 and 24, 1935, all members shown present in Helena, and Mr. Greene shows on his expense claim as being in Dillon.

On October 2, 1935, the minutes show meeting in Helena with all members present and the expense claim of Mr. Greene shows that he was in Libby on that date.

On October 14, 17, 18, 22 and 24, 1935, the minutes show meetings of the board with all members present in Helena. In view of transportation requests issued by Mr. Stewart and Mr. Goza, they were away from Helena from October 10th to October 25th, and outside of the State of Montana during such period.

On February 20, 1936, the minutes show a meeting of the Board with all members present in Helena. In view of transportation request issued by Mr. Greene on February 20th he was prima facie in Miles City.

**Conduct of Meetings and Sessions.** It appears from the testimony of Board Members and the testimony of others that in hearings before the Board witnesses are seldom sworn before their testimony is elicited. It is further shown that, save for exceptional cases no attempt is made by the Board to reduce to writing the testimony of witnesses before it and preserve a permanent transcript of such testimony in valuation hearings or in any hearings held by the Board on other matters. Parties attending such hearings may, if they desire, furnish their own stenographic reporter and the Board, in perhaps half a dozen instances each year uses a stenographic reporter for the purpose of keeping a permanent record of testi-

mony. The result is that if all the members of the Board are not present at a hearing the absent members must depend upon a hearsay recital from the attending member as to what happened at the hearing and such absent member is really not in position intelligently to participate in disposition of cases although records show that such absent members do so participate. Doubtless the Board has followed this course of action for the purpose of immunizing its decisions against attack in the courts, in the limited cases where attack is possible. There is widespread criticism of the failure of the Board to reduce testimony to writing and if it is not always advisable it certainly is necessary in important cases and in any case minutes of the testimony should be preserved.

In this connection it appears that there is little dignity or formality in the hearings of the Board and while formally should never be the mode of procedure when its employment tends to embarrass or obstruct the search for the truth, it is very plain that the Board's proceedings are so informal that their very informality defeats clear, orderly and logical presentation of proof on the issues before the Board.

**Handling of Correspondence.** We find that the Board has been neglectful of either (1) establishing a proper method for handling its correspondence or (2) supervising correspondence in the absence of establishing any fixed method. It appears that when the mail reaches the office of the Board each day it is opened and distributed to members of the Board's staff instead of to the Board as such or even to individual members of the board. It is only when a subhead on the staff of the board—an employee—calls the attention of a member of the Board to an item of correspondence, or when a member of the board is moved from some other cause to inquire into correspondence, that the Board Member or the Board as such knows of the correspondence and the development in correspondence of the subject matter with which it is concerned. Instead of attaching the incoming letters, other than mere letters of remittance, to the appropriate files and placing the files on the desks of the Members of the Board so that each member thereof may examine the correspondence with the file attached and initial it as having been read and examined by him and thus assure the public that the Board is in daily intimate contact with its business, the present lack of method of handling correspondence results in very meager attention by Board Members to correspondence. In this connection it must be remembered that more than ninety (90%) per cent of the business carried on by the Board is through correspondence.

**Fixed Meetings of Board at Helena.** For a long period subsequent to its creation the Board had no system whereby it met at least once each day when in its offices in the Capitol Building in Helena. Two or three years ago a letter was circulated among department heads whereby an hour was fixed each day for transaction of business by the Board, assembling as the Board, in the chairman's office. The system thus inaugurated has not been faithfully carried out and one of the greatest needs of the Board is the establishing of, and faithful adherence to, a system of office routine whereby it convenes daily at a fixed hour when department heads, employees, and others may go before the Board assembled as the Board for instructions and for the transaction of business. Meetings at other hours, agreeable to appearances by the public, can be thus arranged by the Board to avoid conflict with its fixed, daily meeting. Nothing would be of greater aid in the ordinary disposition of business as a regular system of daily meetings and the records of complete minutes with respect thereto.

**Appropriations.** The total amount of payroll for December 1936 was \$6,555.00. For the balance of 5 months to the end of the fiscal year June 30, 1937, there is \$32,775.00, which will result in a deficit against the total salary appropriations in the amount of \$5,083.24.

Total amount of payroll for January 1937 was \$5,265.30. For the balance of 5 months to the end of the fiscal year June 30, 1937 there



will be \$26,326.40, which would leave a balance in the total salary appropriation in the amount of \$1,365.25 on June 30, 1937.

The appropriations for the year ending June 30, 1937 show a balance on January 31, 1937 for salaries in all subdivisions of the State Board of Equalization in the amount of \$27,691.76, and taking the month of December 1936 payrolls as a basis for the next five months of the year the total would be \$32,775.00 or a deficiency in the amount of \$5,083.24. Taking the January 1937 payroll as a basis the total for the five months would be \$26,326.40 or a balance in the amount of \$1,365.26.

On the December 1936 payroll basis:

The Store License Division would show a deficiency in the amount of .....	\$1,451.25
The Gas Tax Division (Highway Fund) would show a deficiency in the amount of .....	1,480.80
The Income Tax Division (General Fund) would show a deficiency in the amount of .....	4,998.44
Total Deficiency .....	\$7,430.49

Three Income Tax Auditors or field men for the Income Tax Department have been taken off the payroll as of January 1, 1937 and also the Beer Inspectors have now been taken off. One man from the Gas Tax Division has been placed in the Income Tax Department but has been paid from the Gas Tax Division of the Highway Fund.

The Income Tax Law provides that on or before the 15th day of the fourth month following the close of the accounting period or on or before April 15th, returns must be filed with the State Board of Equalization and in accordance with such requirements the majority of the income tax returns are filed during January, February and March and it would seem that sufficient appropriations should have been asked for to maintain the field men of the income tax department during the tax paying period, as well as the balance of the year. The Board has badly misjudged its need for funds for internal administration.

The cause of deficiency in the various appropriation accounts is due to improper charges to the appropriations. In other words salaries and other expense payments are made from the appropriation that have the largest balance, without regard to whether the expenditure burdens a fund intended for some other department of the board.

We find that under House Bill No. 532 of the Twenty-fourth Legislative Assembly a definite appropriation was made for each sub-division of the State Board of Equalization. The Legislature apparently recognized the fact that any percentage set aside for expenses, at the time the law was passed, was only an appropriation after all, and as Section 12 of Article XII of the Constitution provides that the life of all appropriations shall not extend beyond two years, definite amounts were set aside for each purpose. Moreover, the Legislature emphasized this fact in Section 4 of the Bill by providing that all appropriations contained therein should be used for the purposes designated and no other. The method of charging an expense against whatever account had the most money is not only illegal but defeats the purpose of determining what the net revenue is, on the different types of taxation. Practices of this nature should never be permitted.

The deficit as shown in the income tax division general fund seems clearly to be caused by not asking for a sufficient appropriation to carry on the field work of the income tax department.

**Beer Expenditures.** A casual examination of claims for expenditures from the Beer Fund show a number of payments from the Beer Fund which should have been paid from the Board of Equalization General Fund

appropriation and charged against the proper appropriation accounts, the appropriation having been made for the purpose designated and no other. Under Exhibit B a list of such payments will be found, which we believe should not have been paid from the Beer Fund for the reason such expenditures were for about all departments of the Board of Equalization. Among such expenditures will be noted salaries of Board Members paid from the Beer Fund, when such payments should have been made from the General Fund and charged against the General Fund Appropriation "Salaries Fixed by Law."

In some cases such as expenditures for envelopes, postage, stationery, and fixtures a portion of such payments no doubt should be paid from the Beer Fund and the balance from the general or other special funds of the department, but excessive amounts were charged to the Beer Fund simply because it had a considerable balance in it.

**Dodge Car.** A Dodge sedan was purchased by the Board of Equalization May 8, 1933, Warrant No. 109881 from McCarthy & Keickbusch, Helena, for the amount of \$853.90 complete—Serial No. 3603648—Motor No. DP 27446.

A Ford V-8 Tudor Sedan and all accessories—Motor 1648357 was purchased on June 11, 1935 from the Capital Motor Co., Helena, less allowance on Dodge Sedan of \$472.00 or a net price on the Ford V-8 of \$220.80 paid by Warrant No. 63904.

Both cars were purchased from the Beer Fund but the Dodge Sedan was used by the commissioners for their use in travelling over the State of Montana in valuation and equalization proceedings generally and the car was in charge of Mr. Greene, a member of the Board. The Board members left the inspection of beer licensee's premises largely to inspectors, hence the car purchase hardly had any relation to Beer Administration.

The expenditures shown for gas, oil, repairs and storage cover most of the period from May 8, 1933 to June 11, 1935, the period the Dodge sedan was owned by the Board of Equalization, but we are unable to make sure of the expense on the Dodge sedan for the reason the notations on the claims are not sufficient for identification. A list of claims are shown in Exhibit "F" which we believe were for such Dodge sedan. Undoubtedly this car was used a great part of the time for the personal convenience of Member Greene.

#### IV.

##### Administration of License Tax Laws.

**Chain Store Licenses.** A balance of \$51,658.13 was shown in the protested tax fund in the State Treasurer's office on March 31, 1936. Most of this money came from the Board of Equalization on account of taxes being paid under protest. When the fund first started the money was deposited with the State Treasurer and a complete detailed record was not kept at that time of the individual cases and on September 30, 1936, \$2,320.44 was distributed to funds, leaving the protested tax fund in reconciliation between the State Board of Equalization and the State Treasurer.

On January 31, 1937, there was a balance of \$47,886.74 in the State Treasurer's office and in February \$7,951.28 was deducted from the fund leaving a balance of \$39,935.46. On the same date the detailed list prepared by the cashier of the State Board of Equalization showed a balance of \$39,934.46 making a difference of \$1.00 between the State Treasurer's balance of the protested tax fund and the cashier's balance.

The balances now shown on the detailed list of protested payments start in July 1933 and continue to February 1, 1937 and a number of these cases have been in court since 1933 and we are informed by the new Attorney General that as soon as the Legislature shall have been

adjourned he will examine into each case and bring them to issue and decision. A list of the cases are shown in Exhibit "D".

It is only fair to say that the delay in the disposition of these cases is not in any respect chargeable to the Board, but to the former Attorney General, if to any one.

**Corporation License Tax Returns.** The Corporation License Tax returns of the various sugar companies operating in Montana were formerly all figured on a different basis and in checking the returns and adjusting payments a uniform system of taxation was arrived at by the Board as between sugar companies with the result that the Great Western Sugar Company has a credit of \$5,023.39 to be applied on a subsequent year's assessment and additional assessments were made against the Utah-Idaho Sugar Company in the total amount of \$2,245.58, the Holly Sugar Corporation in the amount of \$11,755.98, and the Amalgamated Sugar Company in the amount of \$2,070.65, making a net additional tax assessed and paid in the amount of \$11,048.82. No record is shown in the minutes of the proceedings of the Board of Equalization regarding these changes in assessments. There is absolutely no authority of law, so far as we know, whereby excess corporation license taxes for instance, or any other taxes for that matter, exacted in any one year may be allowed as a credit against taxes due on the next or a subsequent year's operations. Not only the law but sound public policy, and ordinary honest accounting, require that each tax year be treated as wholly separate and distinct accounting period. To carry over credits from one year to taxes due a subsequent year would, on principle, justify excusing non-payment in one year or short payment in one year against the hope of making up the deficit in a subsequent year. This method opens up the door to fraud and should not be tolerated. If there is any doubt as to whether a substantial amount is involved in an over payment the Board should instruct the taxpayer to pay under protest and thus suspend the payment until suit is brought and determined, instead of assuming to cover in the entire tax receipts and give credit for an excess against a future year.

The case of the International Elevator Company is inexplicable so far as we are concerned. It appears from the records of the office of the Secretary of State that the company entered the state of Montana as a foreign corporation at least as early as 1917, and at all times since has continually been engaged in business in Montana. Notwithstanding the record of this corporation was available to the State Board of Equalization or its corporation license tax auditor the Board failed to assess any corporation license tax against it from the years 1917 to 1929 inclusive, at least. When this matter finally came to the Boards attention in 1933, the International Elevator Company contended that the Board could only go back three years in assessing corporation license tax as the three year statute of limitations supplied. No attempts were made to thrash out this matter of the existence of any statute of limitations or the applicability of the three (3) year statute in the courts. The following paper was found in the files dealing with the International Elevator Company, but no record of the same appears in the minutes of the Board:

May 5, 1933.

The State Board of Equalization for the State of Montana, being in regular session with James H. Stewart, chairman; D. J. Muri, member, and John J. Greene, member; present, had under consideration the corporation license tax on the International Elevator Company for the fiscal years ending June 30, 1929, 1930, and 1931, and directed and determined as follows:

That from the return of said corporation made to this Board for the fiscal year ending June 30, 1929, the corporation license tax for said corporation is hereby determined and fixed in the amount of \$1,287.26, the penalty of 10% in the amount of \$128.73 and interest at the rate of 1% per month from September 30, 1929 to December 31, 1932, in the

amount of \$502.03, making a total tax due for this year in the amount of \$1,918.02.

That from the return of said corporation made for the fiscal year ending June 30, 1930, the corporation license tax is hereby determined and fixed in the amount of \$711.60, the penalty of 10% in the amount of \$71.16, and interest at the rate of 1% per month from September 30, 1930 to December 31, 1932 in the amount of \$192.13, making a total tax for this year of \$974.89.

That from the returns of said corporation made to this Board for the fiscal years ending June 30, 1931 and 1932, said Board finds reports in order with no tax due. That notification of this assessment and the amount thereof shall be transmitted to the International Elevator Company as required by law. That at the time the returns of said corporation were made to this Board for corporation license tax purposes for the period above stated, said company tendered in payment thereof, according to its own determination, the sum of \$67.26.

.....  
Secretary.

.....  
Commissioner.

We find that the Board and the former corporation license tax auditor have been grossly neglectful of their duty in this particular case.

Relative to the Pioneer Placer Dredging the following is taken from the minutes of the Board of Equalization:

(1)

April 18, 1935.

The Board met in regular session with all members present, to-wit: Jas. H. Stewart, Chairman, John J. Greene, and Sam D. Goza.

The Board had under consideration at this time the question of deduction for depletion in computing corporation license tax of the Pioneer Placer Dredging Company.

Motion was made by Commissioner Greene that in the case of the Corporation License Tax return of the Pioneer Placer Dredging Company, the item of depletion in the amount of \$29,650.81 be disallowed as a deduction from gross income for the reason that it appears on the face of the return that said mining property did not cost this corporation any sum whatsoever.

Motion was seconded by Commissioner Goza and unanimously carried.

(2)

December 17, 1936.

The Board met in regular session with all members of the Board present, to-wit: Jas. H. Stewart, Chairman, John J. Greene and Sam D. Goza.

The Board at this time had under consideration its action of April 18, 1935, in disallowing as a deduction from gross income, in determination of corporation license tax of the Pioneer Placer Dredging Company, the item of deletion in the amount of \$29,650.81. After due consideration of the matter, on motion duly made, seconded, and carried, the Board allowed the above amount, covering depletion. This amounted to an allowance for refund in the amount of tax in the sum of \$593.02 (at 2 per cent), which amount is to be allowed on subsequent year's determination of tax.

We are not advised of any provision of law supporting the Board's action of December 17, 1936, nor has any sufficient excuse been made for the lapse of time in acting on the matter and in our judgment there is no authority in law or accounting for attempting to apply the refund against a subsequent year's tax, as above noted.



## V.

## Beer License Administration

**Grey Cliff Situation.** We find that the application of Carl Schmidt for a beer license at Grey Cliff, County of Sweet Grass, State of Montana, in a place of business known as Schmidt's Store for the year 1935 was made February 19, 1935, and a protest was filed January 5, 1935, protesting the issuance of this license by the Sheriff, Undersheriff, County Attorney and the Justice of the Peace of Sweet Grass County. The reason given for such protest that on April 21, 1934 the said Carl Schmidt was tried in a Justice of the Peace Court of Big Timber Township, Sweet Grass County, Montana, before S. G. Webster, Justice of the Peace, and a jury duly empanelled, on a charge of illegal sale and possession of intoxicating liquor; that the jury found the defendant guilty of the crime charged and assessed a fine against him of \$300.00; that S. G. Webster, Justice of said Court then pronounced Judgment as follows against said defendant:

"It is therefore the Judgment of this Court that Carl Schmidt is guilty of unlawfully selling intoxicating liquor and he is fined in the sum of \$300.00."

That although repeatedly requested to pay said fine by the various officers of this county, the said Carl Schmidt has refused, failed and neglected, and does now refuse, fail and neglect to pay the said fine or any part thereof; that upon information and belief said Carl Schmidt has had sufficient and ample funds with which to pay said fine if he so desired.

That no appeal from the judgment mentioned above is pending in any higher court.

That the place where said Carl Schmidt has been, and was selling beer in Grey Cliff, Montana, until recently is known as the "Rainbow Gardens," and that said place is one of ill repute.

That the said "Rainbow Gardens" in Grey Cliff, Montana, is owned and operated by said Carl Schmidt's wife, Elizabeth Schmidt, and that the latter is an alien and has made several attempts to gain citizenship by the Judge.

That both Carl Schmidt and his wife, Elizabeth Schmidt, have prior convictions standing against them for former liquor law violations.

That both Carl Schmidt and his wife, Elizabeth Schmidt, have for a considerable time past, taken a critical and antagonistic attitude towards the law enforcement officers of this county.

On March 8th and March 13th, 1935, reports were filed with the Board by Mr. M. S. Aristead, one of the field men for the Board of Equalization, in which he states that the matter of issuance of a license for 1935 will be taken up further with the county authorities.

On March 22, 1935, beer license No. 990 was issued to the said Carl Schmidt and on April 20, 1935, a letter was received from the county authorities of Sweet Grass County relative to the beer license of Carl Schmidt of Grey Cliff, as they had now learned that a license had been issued to Mr. Schmidt. These officials state that the sum of \$300.00 fine assessed against Carl Schmidt had not been paid. A report was filed with the Board on June 22, 1935, by the field man Mr. Pat Holland in which he states the Schmidts run a very good place. This being the last report in the files, we are unable to determine whether a field man visited the Schmidt place after June 22, 1935 or between March 8th and June 22, 1935.

Section 46 of the Montana Beer Act, Chapter 106 of the Laws of 1935 provides: If any of the licensees herein described shall be convicted of

any violation of any of the provisions of this Act, or if the Board shall find, upon such examination, that such licensee has violated any of the provisions of this Act, the Board may, in its discretion, and in addition to the penalties hereinbefore prescribed, revoke such license, or may suspend the same for a period of not more than three (3) months.

It thus plainly appears that the Board issued a beer license to Carl Schmidt in the face of the persistent protests of the Sweet Grass County Officials, and without regard, as far as the records show, for Schmidt's prior conviction, failure to pay fine, and equally persistent and habitual law violations. In our judgment this is a clear case of favoring a law violator in the matter of a beer license.

**Butte Cases.** The Attorney General on the 23rd day of December 1935 filed formal protests with the Board of Equalization against the issuing of 1936 beer licenses to the following parties or places:

Peter Antonioli, or anyone else in the M & M at 9 No. Main St., Butte, Montana.

Gabriel Traparish, or anyone else in the Rocky Mountain Cafe located at 55 Main Street, Meaderville, Silver Bow County.

P. J. Naughton & J. M. Lyden, or anyone else in the Crown Cigar Store located in Butte, Montana.

Julius Peters, Fred Pecora, E. Scatagline and Lute Deniff or any of them or anyone else in the Board of Trade located at 18 East Park Street, Butte, Montana.

The protest was made on the grounds that liquor was sold and gambling was running in these places. Such statements were supported by affidavits from special investigators of the Attorney General's office. The protest further states that the above places had Federal Retail Liquor Dealer's License stamps expiring July 1, 1936.

Eight days later on December 31, 1935, beer licenses for the year 1936 were approved and ordered issued to the above parties for the reason that the District Court in Silver Bow County dismissed the cases for want of evidence. Two of these cases, the Crown Cigar Store and the M & M cases, were appealed to the Supreme Court of Montana. The decision of said Court ordered the cases returned to Silver Bow County for trial. We are advised that all cases have now (1937) been dismissed for want of evidence and lack of witnesses. The minutes of the Board show:

Helena, Montana,  
December 31, 1935.

The Board met in regular session with all members present to-wit: James Stewart, John J. Greene and Sam Goza.

The Board had under consideration various applications for beer licenses for the year 1936. There being no objections on file with the Board, the following applications were granted and licenses issued to-wit, on motion duly made, seconded and carried.

(several pages of names)

The Board had under consideration also various applications for 1936 beer licenses relative to which protests have been filed with the Board. Action was taken on such applications as follows:

#### **In the Matter of Application of Naughton and Lyden**

It appearing to this Board that the acts complained of by the Attorney General in his letter of December 23, 1935, have heretofore been heard by the District Court of the Second Judicial District of the State of Montana in and for the County of Silver Bow and the Court having found that the said complaint is not supported by competent evidence and have ordered that the action be dismissed; the Board on motion duly

made, seconded and unanimously carried, granted the application and ordered license issued.

#### **In the Matter of the Application of M. J. Mullen**

The Board having heretofore heard testimony in the matter of the above application and it appearing therefrom that the applicant is a fit and proper person to whom should be issued a retail license, the Board on motion duly made, seconded and unanimously carried granted the application and ordered license issued forthwith.

#### **In the Matter of the Application of F. J. Reilly**

This Board having heretofore heard testimony in the matter of the above application and it appearing therefrom that the applicant is a fit and proper person to whom should be issued a retail license, the Board on motion duly made, seconded and unanimously carried granted the application and ordered license issued forthwith.

#### **In the Matter of Application of Carl Spillum**

This Board having heretofore heard testimony in the matter of the above application and it appearing therefrom that the applicant is a fit and proper person to whom should be issued a retail license the Board on motion duly made, seconded and unanimously carried granted the application and ordered license issued forthwith.

It is reasonably clear from the foregoing record that the Board was very hasty in assuming to follow the action of the District Court of Silver Bow County in dismissing certain of these cases by forthwith grants of licenses for the year 1936. There was no cooperation between the Board and Attorney General in the matter of the appeals, or waiting for the Supreme Court to act. In any event when the Supreme Court of Montana reversed the action of the District Court of Silver Bow County in dismissing the Crown Cigar Store and the M & M cases, the Board took no notice of that fact but assumed to continue its license in force thus evidencing calloused disregard of law and order.

Our investigation convinces us that the Board Members, as such, have paid as little attention to the administration of the Beer Act as possible. For the most part they have rested on the reports of the subordinate field men, called inspectors, whose reports are almost invariably that the character of the applicant is "Good" or "Very Good" and their places "Clean."

Since this inquiry was directed by the House, legislation has been enacted which relieves the State Board of Equalization not only of its duties in policing beer licensees, but from any connection with the Beer Administration. Your committee would have recommended such legislation had it not been enacted and in this connection it is only fair to say that the Board unanimously stated that it desired to be divorced from beer or liquor administration of any kind. We agree that it should.

**Helena Cases.** In Helena the Board revoked some fourteen beer licenses because the licensees were openly selling hard liquor over the bar in violation of the laws. The licensees commenced retaliatory court proceedings which were finally adjudicated in favor of the Board, but the real effect of which was defeated by the allowance by the Chief Justice of the Supreme Court of what appears as a spurious appeal to the Supreme Court of the United States. The question of the Helena licensees now appears moot in view of the fact that the licenses involved in the appeal have expired.

At present there is before the Legislative Assembly legislation to authorize the sale of liquor over the bar. It is beyond the power of this committee, as such, to make any expression with respect to such

legislation. It must be said that the Board has not enjoyed wholehearted backing from Montana communities in the enforcement of the Beer Act, with some rare exceptions, and this failure of an enlightened public opinion to operate in support of the law is in some degree responsible for the Board's indifference in situations like those existing at Grey Cliff, and in Butte.

It appears that the Board has granted beer licenses to at least two (2) aliens in Montana. This phase of the Board's duties has terminated, but it is referred to as enlightening with respect to the Board's attitude toward law enforcement.

## VI.

### Income Tax Administration as Related to Board Members.

The Montana Personal Income Tax Law (Chapter 181, Laws of 1933) provides in part:

"Section 30 (1) Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the Board or any deputy, assistant, agent, clerk, or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this Act or any other information secured in the administration of this Act. The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except in any action or proceeding under the provisions of this Act, to which the Board is a party, or on behalf of any party to any action or proceeding under the provisions of this Act when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events, the court may require the production of, and may admit in evidence, so much of said reports or of the facts shown thereby, as are pertinent to the action or proceedings and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer of his duly authorized representative of a certified copy of any return or report filed in connection with his tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or other legal representative of the State, of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted in accordance with the provisions of twenty-six (26) and twenty-seven (27) of this Act. Reports and returns shall be preserved for three (3) years and thereafter until the Board orders them to be destroyed."

In accordance with the Attorney General's opinion furnished your committee copy of income tax returns were furnished us by the individuals listed in Exhibit "E" and same were checked in the income tax department as to filing dates and tax payments.

While the State Board of Equalization is charged by law with the administration of the Income Tax Act that Board and its staff ought to be the first persons in the State to be quick to observe the law, particularly in the manner of making tax returns within the time fixed by law or within lawful extensions thereof, it is very plain that members of the Board and of the staff have not been careful scrupulously to observe the Act in that respect, and are guilty of ignoring it to some extent, and in some instances have as the record shows, flaunted it. We do not assume to say that failure to pay taxes is a breach of the law unless all attending circumstances support the conclusion, but we do say that a failure to make the necessary returns and reports, unless excused by proper extension, is not in any respect justified and that this applies with especial force to those who are charged with the administration of the law. Undoubtedly the Board exercised a measure of good judgment in not being too harsh in the administration of the new Individual In-



come Tax Act of the 1933 Legislature, because there was necessity for acquainting people with its provisions and, moreover, serious litigation threatened its enforcement and administration. But it is true that the Board should furnish the first and best example of obedience to law in this respect. That no such example was furnished it is clear in connection with the following instances:

The 1933 income tax return of Jas. H. Stewart is not sworn to. The return for 1934 of Mr. Stewart does not show the date the return was filed, but the first payment was made July 9, 1935.

The return of John J. Greene for the year 1933 was filed April 16, 1934 and such return was sworn to on April 16, 1934. The return of Mr. Greene for the year 1934 was filed June 12, 1935 and first payment made June 17, 1935. The return of Mr. Greene for the year 1935 was not filed until January 25, 1937 four (4) days after your committee commenced its investigation, and full payment made January 26, 1937 and such return was sworn to January 25, 1937.

The 1934 income tax return of George Fowlie was filed June 6, 1935 and full payment made June 7, 1935 and the original return is not signed.

The 1934 income tax return of John J. Walsh does not show a filing date and the payment was made May 3, 1935. The return was not acknowledged.

The income tax return of M. B. Milligan for the year 1933 was filed April 16, 1934. The return of Mr. Milligan for the year 1934 does not show a filing date but payment was made June 17, 1935 and the return was sworn to June 15, 1935.

The 1933 income tax return of John Jacob Jewell was filed and sworn to on April 16, 1934. The return of Mr. Jewell for the year 1935 was filed March 31, 1936, and the first payment made April 4, 1936.

Under Section 2295.19 of the Revised Codes of 1935 provides there shall be annexed to such returns the affidavit or affirmation of the persons making the return, to the effect that the statements contained therein are true. The same section also provides that the returns must be filed with the State Board of Equalization on or before April 15th of each year or on or before the 15th day of the fourth month following the close of the accounting period.

In checking over Schedule "E" being the income tax return of the members of the Board of Equalization and the heads of the departments, it will be noted that several of the returns have not been filed until after the date provided in the law. We find no evidence or extension orders in the Board's minutes or otherwise.

The records of the County Treasurer of Lewis & Clark County show delinquent taxes in the name of Member John J. Greene for the year 1934 on personal property in the original amount of \$23.83 and penalty 48c, making a total delinquent tax due of \$24.31 plus interest from date of delinquency.

## VII.

### Personal Conduct of Board Members Interfering with Public Duty

James W. Stewart will, by virtue of the action of Governor Ayers retire from the Board in March, 1937.

The record contains direct and positive credible evidence that John J. Greene, one of the members of the Board, has been under the influence of intoxicating liquor on duty during office hours in the Capitol Building in Helena and drunk on duty during official hours when the Board has been transacting official business at points in Montana away from Helena. It may reasonably be inferred that such conduct on the part

of Member Greene is not isolated but has been repeated in Helena and in the field to the point where it has become a matter of serious embarrassment to the Board, an affront to the dignity of the office and a disregard of public trust. In the judgment of your committee, based, of course, on the evidence available to it in this legislative investigation, and without prejudice to that which may be developed in the proceedings hereafter ordered, such conduct on the part of Member Greene indicates that he is no longer entitled to be excused or condoned, and that the burden of proving his right to continue in public office rests distinctly upon, and must be discharged by, him.

#### Recommendations.

Your committee respectfully recommends as follows:

(1) That the original of this report be transmitted through the proper officials of the House of Representatives to and filed in the office of the Secretary of State of the State of Montana.

(2) That copies hereof duly certified by the Secretary of State of the State of Montana be transmitted to His Excellency, Roy E. Ayers, Governor of Montana, and to Honorable Harrison J. Freebourn, Attorney General of Montana.

(3) That the said Governor of Montana be and he is hereby requested and instructed by the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana to initiate on or before March 31, 1937 and thereafter diligently prosecute to conclusion the proper statutory proceedings for determination of the right of John J. Greene to remain in his office as a member of the State Board of Equalization, the Governor having full power and authority in the premises, and this report warranting such action, the basis for such proceedings to be (a) The persistent refusal to file 1935 income tax return until long after the same was due by law. (b) Inattention to and neglect of public duty due to intoxication on duty. (c) And upon such other grounds as this report or other knowledge or information may seem to the Governor to warrant to the end that such proceeding be all inclusive. That the Attorney General of Montana be and he is hereby instructed to gather all evidence with relation to such matters, painstakingly, and prosecute the case with vigor in vindication of the laws of Montana.

(4) That a further copy of this report is duly certified by the Secretary of State of the State of Montana be transmitted by the proper officers of this House to the said Board of Equalization of the State of Montana with instructions to examine and consider same with care and forthwith to establish and thereafter faithfully adhere to office routines and measures which will eliminate the criticisms herein and improve the administration of the Board and the tax laws confided to it.

(5) That the Board appoint and carry on its staff as one of the employees thereof an able attorney to be continually available to the Board in all matters and to attend upon the Board at formal hearings and to accompany the Board wherever necessary and to cooperate with the office of the Attorney General in the administration of the tax laws.

(6) That this report be approved by the House of Representatives and that when so approved it be and constitute the acts and instructions of the House, its orders and directions in all matters referred to herein that your committee be discharged.

(Signed)

HEDDEN, Chairman,  
TOOMEY,  
MANNING,  
MONAHAN,  
KRUSE.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms, having had under consideration Senate Bill No. 161, respectfully report as follows: That Senate Bill No. 161 be amended as follows:

By striking out in Line 12, after the period following the figures "2815.13." all of Section 1, and inserting in lieu thereof the following: "Beer containing one half of one per cent ( $\frac{1}{2}\%$ ) or more of alcohol by volume and not more than three and two-tenths per cent (3.2%) of alcohol by weight is hereby declared to be non-intoxicating and such beer and other beer permitted by the Congress of the United States may be manufactured and sold; provided that beer containing not more than four per cent (4%) of alcohol by weight may be manufactured and/or sold or transported in and into this State or possessed therein in the manner and under conditions prescribed by the laws of this State and not otherwise. The sale of beer by the Montana Liquor Control Board is hereby prohibited, save and except ale, porter and stout containing more than four per cent (4%) of alcohol by weight."

And as amended be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Rules, having had under consideration a motion to suspend Joint Rule No. 8 respectfully report that the House is powerless to suspend Joint Rule 8 without the approval of the Senate and therefore recommend the motion do not pass.

SPIEGEL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways, having had under consideration Senate Bill No. 96, respectfully report as follows: That Senate Bill No. 96 be concurred in.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration Senate Bill No. 129, respectfully report as follows: That Senate Bill No. 129 be concurred in.

MITCHELL, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 186, respectfully report as follows: That Senate Bill No. 186 be concurred in.

LEMMER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration Senate Bill No. 126, respectfully report as follows: That Senate Bill No. 126 be concurred in.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Education, having had under consideration Senate Bill No. 176, respectfully report as follows: That Senate Bill No. 176 be amended as follows: That Lines Ten to Twenty-three, inclusive, be stricken. And as amended be concurred in.

HAIGHT, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration Senate Bill No. 140, respectfully report as follows: That Senate Bill No. 140 be concurred in.

MULHOLLAND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Safety, having had under consideration Senate Bill No. 184, respectfully report as follows: That Senate Bill No. 184 be amended as follows: By inserting the words "or awnings" after the word "furnishing" in the title in line 8. Also, the words "or awnings" after the word "furnishing" in line 15, section 1. And as amended be concurred in.

DALY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration Senate Bill No. 171, respectfully report as follows: That Senate Bill No. 171 be not concurred in.

IJAMS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Public Health, having had under consideration Senate Bill No. 104, respectfully report as follows: That Senate Bill No. 104 be concurred in.

IJAMS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following Bills correctly enrolled: House Bills Nos. 193, 192, 63 and 271.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 193, introduced by me, and find the same to be correct.

ALVORD.

I have examined enrolled House Bill No. 192, introduced by me, and find the same to be correct.

ALVORD.

I have examined enrolled House Bill No. 63, introduced by me, and find the same to be correct.

ANDERSON (Silver Bow).

I have examined enrolled House Bill No. 271, introduced by me, and find the same to be correct.

MITCHELL.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised the House that he had this day approved the following House measures: House Bills Nos. 6, 64, 70, 74, 96, 98, 114, 119, 131 and 77.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 169, having this day failed of concurrence in the Senate, is herewith returned to the House.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

The Speaker signed the following in Open Session: Senate Bill No. 107, House Bills No. 193, 192, 63 and 271.

#### MOTIONS AND RESOLUTIONS

It was moved by Smith, duly seconded and carried, that the House request the Honorable Senate to return Senate Bill No. 139.



## INTRODUCTION OF BILLS

The following was introduced, read first and second time, and referred to the Committee on Social Security:

Senate Substitute for House Bill No. 154, introduced by Committee on Relief and Social Welfare: A Bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political sub-divisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works."

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Smith in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 65 be concurred in.

That Senate Bill No. 95 be amended as follows:

Amend Section 1 by inserting in line 7 after the word "voters." the following: "Provided, that in all election precincts in which there were cast three hundred and fifty or more ballots in the last general election or in which the board of county commissioners believe that as many as three hundred and fifty will be cast in the next general election the board of county commissioners may appoint a second or additional board consisting of five judges for each such precinct, who shall possess the same qualifications as the first board herein mentioned. The judges constituting the second board for each precinct, if such second board shall have been appointed, shall meet at their respective polling places, as designated in the order appointing them, at the time the polls are closed and at said hour or as soon as the first board has completed their duties in regard to the voting, the second board shall take charge of the ballot boxes containing the ballots and shall proceed to count and tabulate the ballots cast as they shall find them deposited in the ballot boxes. In the event that the count is not completed by eight o'clock A. M. of the next following day, the first board shall reconvene and relieve the second board and continue said count until eight o'clock P. M. when if the count is not yet completed, the second board shall reconvene and again relieve the first board, and so, alternately until said boards shall have fully completed the count and certified the returns. The judges constituting the several boards shall number the ballots and count the tallies upon the tally sheets and so indicate upon the tally sheets as to distinctly show the work of each board separately. The board completing the count shall make such certification of returns as is required by law."

Amend the title after the word "election" in line 3 the following: "providing for double boards of election judges and relating to their powers and duties;"

And as amended be concurred in.

That Senate Bill No. 94 be concurred in.

That Senate Bill No. 115 be concurred in.

That Senate Bill No. 1 be amended as follows: Amend Section 3 of the printed bill in line 2 after the figures "1938" by striking out the following: "Providing further that any case where application for a tax deed has been made that this Act shall not apply." And as amended that same be mimeographed and placed on desks of the members.

That Senate Bill No. 83 be amended as follows:

Amend by striking out all of page 2 after the title up to and including the words "Now, Therefore,"

Amend Section 1, Sub-section 13, by adding a new paragraph designated as follows: "(d) mariahuana seeds or plants,"

Amend Section 1, Sub-section 14, by inserting in line 44 after the word "cannabis," the word "Mariahuana,"

Amend Section 2 in line 2 after the word "possess", insert the words "knowingly permit to grow,"

Amend Section 6 by striking out in line 2 the words "sell and dispense" and inserting in lieu thereof the words "dispense and sell"

Amend Section 7 by striking out all of subsection 3, line 10 to 13 inclusive.

Amend Section 8 by striking out in line 26 the word "two" and insert in lieu thereof the word "four"

And as amended be concurred in.

That Senate Bill No. 125 be concurred in.

That Senate Bill No. 7 be concurred in.

That consideration of Senate Bill No. 72 be passed for the day.

That Senate Bills Nos. 96 and 129 be concurred in.

That Senate Joint Memorial No. 6 and 7 be concurred in.

That Senate Bill No. 186 be concurred in.

That Senate Bill No. 126 be concurred in.

That consideration of Senate Bill No. 140 be passed for the day.

That Senate Bill No. 104 be concurred in.

That Senate Bill No. 161 be concurred in.

SMITH, Chairman.

It was moved by Smith, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion it was moved by Stimatz, duly seconded, that Senate Bills Nos. 65, 95, 94 and 115 be segregated from the report of the Committee of the Whole. A roll call was demanded, to be entered in the Journal, by the required number and the motion lost by the following vote: (No quorum present.)

Ayes: Johnson, Miles, Minette, Monahan, Mungas, O'Shea, Phelan, Schneider, Sorte, Stimatz, Toomey, Wenger, Wood. Total 13.

Noes: Anderson (Lincoln), Brennan, Cohen, Daly, Eggenberger, Goodwin, Green, Haight, Haugan, Hedden, Hoiness, Ijams, Longenecker, Lovell, McLeod, Measure, Miller (Roosevelt), Miller (Big Horn), Nelson, O'Connor, Scott, Shanley, Mr. Speaker. Total 23.

Absent and not voting: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Hamilton, Hardcastle, Heavlin, Hess, Holecek, Jackson, Joffray, Kelson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, Mackie, Manning, Masterson, Metcalf, Metlen, Mitchell, Mulholland, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Scofield, Sherman, Smith, Spiegel, Stortz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Whaley. Total 66.

Whereupon motion to adopt report of the Committee of the Whole was put. A Call of the House was demanded by the required number. On motion of Spiegel, duly seconded and carried, further Call of the House was dispensed with.

A roll call to be entered in the Journal, was demanded by the required number and the motion to adopt report of the Committee of the Whole carried by the following vote:

Ayes: Alvord, Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Parker, Phelan, Ruffcorn, Scofield, Scott, Shanley, Sorte, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 71.

Noes: None.

Absent and not voting: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bjorneby, Brayman, Chatham, DeDobbeleer, D'Ewart, Heavlin, Holecek, Joffray, Kelson, Kruse, Levissee, Lippard, Mackie, Metcalf, Metlen, Mulholland, Padbury, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Sherman, Stimatz, Stortz, Stromnes, Trandum, Whaley. Total 30.

Passed their vote: Smith. Total 1.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Thursday morning, February 25, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### FIFTY-THIRD DAY

House of Representatives,  
Helena, Montana,  
February 25th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: Absent: Sherman and Toomey. Excused: Bjorneby, DeDobbeleer, Holecek, Kelson, Kruse, Padbury, Reed, Stortz and Whaley.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-second Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on entertainment, having fully considered Senate Joint Resolution No. 8, respectfully recommends that the same be concurred in.

HARDCASTLE,  
MILES,  
LIPPARD.

Report adopted.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration Senate Bill No. 152 respectfully report as follows: That Senate Bill No. 152 be concurred in.

CONNER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on New Counties and Divisions, having had under consideration Senate Bill No. 132, respectfully report as follows: That Senate Bill No. 132 be concurred in.

TYLER, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 194 and 270.

The following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: House Joint Resolution No. 5, House Bills Nos. 138, 205, 279, 318 and 384.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Joint Memorial No. 6 and House Bill No. 150.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

The Committee on Enrolling reported the following Bills correctly enrolled: House Bills Nos. 163, 89, 143 and 189.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 143 introduced by me and find the same to be correct.

HAUGAN.

I have examined enrolled House Bill No. 163 introduced by me and find the same to be correct.

ALVORD.

I have examined enrolled House Bill No. 89 introduced by me and find the same to be correct.

TYLER.

I have examined enrolled House Bill No. 189 introduced by me and find the same to be correct.

FINNEGAN.

The Speaker signed the following measures in Open Session: House Bills Nos. 163, 89, 143 and 189.

### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried, that Senate Bill No. 125 be taken from Third Reading and placed on General Orders.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

Senate Bill No. 49 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell,



Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Leeson, Lemmer, Lippard, Longenecker, Love, Lovell, McLeod, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Waldrop, Wenger, Wood, Lasby, Mr. Speaker. Total 67.

Noes: Lambert, Stromnes. Total 2.

Absent and not voting: Anderson (Chouteau), Bjorneby, Chatham, DeDobbeleer, Hamilton, Holecek, Joffray, Johnson, Kelson, Kruse, Lehrkind, Levissee, McClain, McKenna, Mackie, Masterson, Metlen, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Peterson (Pondera), Reed, Ruffcorn, Schneider, Sherman, Smith, Stortz, Toomey, Trandum, Vanek, Whaley. Total 33.

Senate Bill No. 64 was not concurred in by the following vote:

Ayes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Burns, Campbell, Cruickshank, Cusick, Daly, Eggenberger, Elliott, Green, Haight, Haugan, Heavlin, Hedden, Hoiness, Love, Metcalf, Phelan, Ruffcorn, Scofield, Sorte, Stromnes. Total 25.

Noes: Alvord, Anderson (Silver Bow), Brayman, Brennan, Chamberlain, Cohen, Conner, Dougherty, Finnegan, Freshman, Goodwin, Hardcastle, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Lovell, McClain, McLeod, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Scott, Shanley, Stimatz, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 44.

Absent and not voting: Acher, Bjorneby, Chatham, Crouse, DeDobbeleer, D'Ewart, Hamilton, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levissee, McKenna, Manning, Masterson, Metlen, Minette, Mungas, O'Connor, Padbury, Reed, Schneider, Sherman, Smith, Stortz, Toomey, Trandum, Whaley. Total 29.

Passed their vote: Monahan, Mulholland, Spiegel, Waldrop. Total 4.

Senate Bill No. 60 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Love, McClain, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 71.

Noes: None.

Absent and not voting: Bjorneby, Chatham, DeDobbeleer, Freshman, Hamilton, Holecek, Jackson, Joffray, Kelson, Kruse, Levissee, Longenecker, Lovell, McKenna, Manning, Masterson, Metlen, Mungas, O'Connor, O'Shea, Padbury, Reed, Schneider, Sherman, Smith, Stortz, Toomey, Trandum, Waldrop, Whaley. Total 30.

Passed their vote: Minette. Total 1.

Senate Bill No. 32 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart,

Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Ijams, Jackson, Joffray, Johnson, Lambert, Leeson, Lemmer, Lippard, Love, McClain, Mackie, Manning, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sorte, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 67.

Noes: Anderson (Lincoln), Eggenberger, Haugan, Lasby, Longenecker, Metcalf, Nelson, O'Shea, Spiegel, Stimatz. Total 10.

Absent and not voting: Bjorneby, Chatham, DeDobbeleer, Hoiness, Holecek, Kelson, Kruse, Lehrkind, Levissee, Lovell, McKenna, McLeod, Masterson, Metlen, Mungas, O'Connor, Padbury, Reed, Schneider, Sherman, Smith, Stortz, Toomey, Trandum, Whaley. Total 25.

Speaker Pro Tem in the Chair.

Senate Bill No. 6 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Burns, Campbell, Cohen, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Manning, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Shanley, Sorte, Stimatz, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 66.

Noes: Bloom, Conner, Haight, Lehrkind, Lovell, Measure, O'Shea, Scott, Spiegel, Stromnes. Total 10.

Absent and not voting: Bjorneby, Brennan, Chamberlain, Chatham, Crouse, Cruickshank, DeDobbeleer, Holecek, Kelson, Kruse, Levissee, McKenna, Masterson, Metlen, Mungas, O'Connor, Padbury, Reed, Schneider, Sherman, Smith, Stortz, Toomey, Trandum, Whaley, Wood. Total 26.

Senate Bill No. 161 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Lambert, Lasby, Lehrkind, Lemmer, Lippard, Love, Lovell, McClain, McLeod, Mackie, Miles, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, O'Shea, Parker, Phelan, Scott, Shanley, Sorte, Spiegel, Stromnes, Vanek, Wenger. Total 55.

Noes: Alvord, Chamberlain, Daly, Green, Haight, Hedden, Johnson, Leeson, Longenecker, Measure, Metcalf, Miller (Roosevelt), Nelson, Peterson (Pondera), Peterson (Sheridan), Schneider, Scofield, Stimatz, Tyler, Wood. Total 20.

Absent and not voting: Bjorneby, Chatham, Cusick, DeDobbeleer, Heavlin, Holecek, Joffray, Kelson, Kruse, Levissee, McKenna, Manning, Masterson, Metlen, Mungas, O'Connor, Padbury, Reed, Ruffcorn, Sherman, Smith, Stortz, Toomey, Trandum, Waldrop, Whaley, Mr. Speaker. Total 27.

Senate Bill No. 94 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Haight, Hamilton, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker,

Love, Lovell, McClain, McLeod, Mackie, Manning, Metcalf, Miles, Miller (Roosevelt), Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Shanley, Sorte, Spiegel, Stromnes, Vanek, Waldrop, Wenger, Wood. Total 66.

Noes: Goodwin, Hardcastle, Measure, Tyler. Total 4.

Absent and not voting: Bjorneby, Campbell, Chatham, DeDobbeleer, Green, Heavlin, Holecek, Joffray, Kelson, Kruse, Levissee, McKenna, Masterson, Metlen, Miller (Big Horn), Minette, Mitchell, Mungas, O'Connor, O'Shea, Padbury, Reed, Schneider, Scott, Sherman, Smith, Stimatz, Stortz, Toomey, Trandum, Whaley, Mr. Speaker. Total 32.

Senate Bill No. 65 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brennan, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, McLeod, Manning, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Shanley, Spiegel, Tyler, Waldrop, Wenger. Total 56.

Noes: Anderson (Lincoln), Bloom, Lovell, McClain, Mackie, Measure, Metcalf, Monahan, Nelson, O'Shea, Sorte, Vanek, Wood. Total 13.

Absent and not voting: Acher, Bjorneby, Brayman, Burns, Campbell, Chatham, DeDobbeleer, Haight, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levissee, McKenna, Masterson, Metlen, Minette, Mungas, O'Connor, Padbury, Reed, Ruffcorn, Scott, Sherman, Smith, Stimatz, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 33.

Senate Bill No. 115 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McLeod, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Phelan, Ruffcorn, Scofield, Shanley, Sorte, Spiegel, Tyler, Waldrop, Wenger, Wood. Total 65.

Noes: Stromnes. Total 1.

Absent and not voting: Anderson (Lincoln), Bjorneby, Brennan, Campbell, Chatham, Conner, Cusick, DeDobbeleer, Green, Heavlin, Holecek, Joffray, Kelson, Kruse, Levissee, McKenna, Masterson, Metlen, Miles, Minette, Mungas, O'Connor, Padbury, Peterson (Sheridan), Reed, Schneider, Scott, Sherman, Smith, Stimatz, Stortz, Toomey, Trandum, Vanek, Whaley, Mr. Speaker. Total 36.

Senate Bill No. 7 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Burns, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Sorte, Spiegel, Stimatz, Stromnes, Waldrop, Wenger, Wood. Total 68.

Noes: None.

Absent and not voting: Anderson (Lincoln), Bjerneby, Bloom, Brennan, Campbell, Chamberlain, Chatham, Cusick, DeDobbeleer, Green, Holecek, Joffray, Kelson, Kruse, Levissee, McKenna, Manning, Masterson, Metlen, Minette, Mungas, O'Connor, Padbury, Reed, Scott, Sherman, Smith, Stortz, Toomey, Trandum, Tyler, Vanek, Whaley, Mr. Speaker. Total 34.

Senate Bill No. 96 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Sorte, Spiegel, Stimatz, Tyler, Waldrop, Wenger, Wood. Total 69.

Noes: D'Ewart, Measure, Miller (Big Horn), O'Shea. Total 4.

Absent and not voting: Bjerneby, Campbell, Chatham, DeDobbeleer, Heavlin, Holecek, Joffray, Kelson, Kruse, Levissee, Love, Manning, Masterson, Metlen, Minette, Mungas, O'Connor, Padbury, Reed, Scott, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Vanek, Whaley, Mr. Speaker. Total 29.

Senate Bill No. 129 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bloom, Brennan, Burns, Cohen, Conner, Crouse, Cusick, D'Ewart, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hoiness, Ijams, Jackson, Lasby, Lehrkind, Lemmer, Lippard, Love, Lovell, McLeod, Mackie, Metcalf, Miles, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Ruffcorn, Schneider, Scofield, Scott, Shanley, Spiegel, Tyler, Vanek, Waldrop. Total 46.

Noes: Alvord, Anderson (Phillips), Bower, Brayman, Chamberlain, Daly, Dougherty, Elliott, Haight, Heavlin, Hedden, Hess, Johnson, Lambert, Leeson, Longenecker, McClain, McKenna, Measure, Miller (Roosevelt), Miller (Big Horn), Minette, Peterson (Pondera), Phelan, Stimatz, Wenger, Wood. Total 27.

Absent and not voting: Anderson (Lincoln), Bjerneby, Campbell, Chatham, Cruickshank, DeDobbeleer, Eggenberger, Haugan, Holecek, Joffray, Kelson, Kruse, Levissee, Manning, Masterson, Metlen, Mungas, O'Connor, Padbury, Reed, Sherman, Smith, Sorte, Stortz, Toomey, Trandum, Whaley, Mr. Speaker. Total 28.

Passed their vote: Stromnes. Total 1.

Senate Bill No. 186 failed of concurrence by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Burns, Cohen, Cruickshank, D'Ewart, Eggenberger, Finnegan, Freshman, Goodwin, Haight, Hamilton, Haugan, Heavlin, Johnson, Lehrkind, Lemmer, Love, Metlen, Miles, Miller (Big Horn), Minette, Monahan, Wenger, Wood. Total 26.

Noes: Alvord, Anderson (Chouteau), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Chamberlain, Conner, Daly, Dougherty, Elliott, Hardcastle, Hedden, Hess, Ijams, Jackson, Lambert, Lasby, Leeson, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Miller (Roosevelt), Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop. Total 45.



Absent and not voting: Bjerneby, Campbell, Chatham, Crouse, Cusick, DeDobbeleer, Green, Hoiness, Holecek, Joffray, Kelson, Kruse, Levissee, Lippard, Manning, Masterson, Metcalf, Mungas, O'Connor, Padbury, Reed, Scofield, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 30.

Passed their vote: Mitchell. Total 1.

Senate Bill No. 126 was concurred in by the following vote:

Ayes: Acher, Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, Eggenberger, Elliott, Finnegan, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Nelson, Parker, Peterson (Pondera), Phelan, Schneider, Scofield, Scott, Shanley, Sorte, Tyler, Vanek, Waldrop, Wenger, Wood. Total 57.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Burns, Cusick, Dougherty, Freshman, Green, Leeson, Lippard, Miller (Big Horn), Mulholland, Peterson (Sheridan), Ruffcorn, Spiegel, Stimatz. Total 16.

Absent and not voting: Bjerneby, Bloom, Campbell, Chatham, DeDobbeleer, D'Ewart, Hoiness, Holecek, Jackson, Joffray, Kelson, Kruse, Levissee, Manning, Masterson, Metcalf, Mungas, O'Connor, O'Shea, Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 29.

Senate Bill No. 104 was concurred in by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 63.

Noes: Acher, Anderson (Chouteau), Conner, Green, Haight, Hedden, Jackson, Lippard, Miles, Nelson, Schneider, Scofield. Total 12.

Absent and not voting: Anderson (Lincoln), Bjerneby, Campbell, Chatham, DeDobbeleer, Heavlin, Hoiness, Holecek, Joffray, Kelson, Kruse, Levissee, Manning, Masterson, Minette, Mungas, O'Connor, Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 27.

Senate Bill No. 95 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brennan, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Jackson, Johnson, Lasby, Lehrkind, Longenecker, Love, Lovell, McKenna, McLeod, Metcalf, Miles, Miller (Big Horn), Minette, Monahan, Mungas, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Stromnes, Tyler, Wenger. Total 51.

Noes: Anderson (Lincoln), Chamberlain, Cohen, Hess, Ijams, Lambert, Leeson, Lemmer, McClain, Mackie, Measure, Miller (Roosevelt), Mitchell, Nelson, O'Shea, Spiegel, Vanek, Waldrop, Wood. Total 19.

Absent and not voting: Acher, Bjerneby, Brayman, Burns, Campbell, Chatham, Conner, Crouse, DeDobbeleer, Elliott, Hamilton, Holecek, Jof-

fray, Kelson, Kruse, Levissee, Lippard, Manning, Masterson, Metlen, Mulholland, O'Connor, Padbury, Reed, Sherman, Smith, Stimatz, Stortz, Toomey, Trandum, Whaley, Mr. Speaker. Total 32.

Senate Bill No. 83 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Brennan, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Love, Lovell, McKenna, McLeod, Mackie, Measure, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 68.

Noes: None.

Absent and not voting: Acher, Anderson (Lincoln), Bjorneby, Bower, Brayman, Burns, Campbell, Chatham, DeDobbeleer, D'Ewart, Elliott, Heavlin, Holecek, Joffray, Kelson, Kruse, Lambert, Levissee, Lippard, Longenecker, McClain, Manning, Masterson, Miller (Roosevelt), Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 34.

Senate Joint Memorial No. 6 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Leeson, Lemmer, Love, McKenna, McLeod, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Wenger, Wood. Total 68.

Noes: None.

Absent and not voting: Bjorneby, Campbell, Chatham, Cruickshank, DeDobbeleer, Eggenberger, Elliott, Heavlin, Holecek, Joffray, Kelson, Kruse, Lasby, Lehrkind, Levissee, Lippard, Longenecker, Lovell, McClain, Mackie, Manning, Masterson, Minette, Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Waldrop, Whaley, Mr. Speaker. Total 34.

Senate Joint Memorial No. 7 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Leeson, Lemmer, Love, Lovell, McKenna, McLeod, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 73.

Noes: None.

Absent and not voting: Bjorneby, Campbell, Chatham, Daly, DeDobbeleer, Freshman, Holecek, Joffray, Kelson, Kruse, Lasby, Lehrkind, Levissee, Lippard, Longenecker, McClain, Mackie, Manning, Masterson,

Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 29.

Senate Joint Memorial No. 5 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, McKenna, McLeod, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 65.

Noes: None.

Absent and not voting: Bjorneby, Campbell, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Hamilton, Haugan, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levisse, Lippard, Longenecker, Love, Lovell, McClain, Mackie, Manning, Masterson, Metlen, Minette, O'Shea, Padbury, Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 37.

Senate Joint Resolution No. 6 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Lemmer, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood. Total 70.

Noes: None.

Absent and not voting: Bjorneby, Brennan, DeDobbeleer, D'Ewart, Holecek, Jackson, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levisse, Lippard, Longenecker, Love, Lovell, McClain, Manning, Masterson, Metlen, Miller (Big Horn), Padbury, Parker, Peterson (Pondera), Reed, Sherman, Smith, Stortz, Stromnes, Toomey, Whaley, Mr. Speaker. Total 32.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Townships and counties, having had under consideration Senate Bill No. 153, respectfully report as follows: That Senate Bill No. 153 be amended as follows:

(Referring to the printed bill) Amend Section 1 by inserting in line 23, page 2, immediately following the word "expenses" the following "expenditures from county poor fund."

Amend Section 1 by inserting in line 30, page 2, immediately following the word "expenses" the following: "expenditures from county poor funds."

Amend Section 1, line 34, page 2, by inserting immediately after the word "authorized" the following "to be made from the county poor fund."

Amend Section 2, by striking out in line 29, page 2, the words and figures "five per centum (5%)" and inserting in lieu thereof the words and figures "ten per centum (10%)." and as amended be concurred in.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 97 respectfully report as follows: That Senate Bill No. 97 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 185 respectfully report as follows: That Senate Bill No. 185 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 137 respectfully report as follows: That Senate Bill No. 137 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 177 respectfully report as follows: That Senate Bill No. 177 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 141 respectfully report as follows: That Senate Bill No. 141 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 117 respectfully report as follows: That Senate Bill No. 117 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 85 respectfully report as follows: That Senate Bill No. 85 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Substitute Senate Bill No. 81 respectfully report as follows: That Substitute Senate Bill No. 81 be concurred in.

ACHER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 8 respectfully report as follows: That Senate Joint Memorial No. 8 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Economy, having had under consideration Senate Bill No. 113 respectfully report as follows: That Senate Bill No. 113 be not concurred in.

PETERSON of Sheridan, Chairman.

It was moved by Peterson of Pondera, duly seconded and carried, that the report of the Committee be not adopted and that Senate Bill No. 113 be referred to the Committee on Townships and Counties.

Mr. John Ritch, a former member of the Twenty-Fourth Legislative Assembly was introduced to the House and requested to explain the history of the Russell painting in the House Chambers.

It was moved by Spiegel, duly seconded and carried, that the remarks of Mr. Ritch be entered in the Journal; which remarks were as follows:

This picture portrays to us the meeting of Lewis and Clark with the Flathead Indians at Ross Hole. When the Lewis and Clark Expedition reached Three Forks there was considerable discussion which was the way for them to go. The party was undecided so they divided and Lewis went up the Jefferson and Clark up the Madison and after Lewis assured himself he was right he sent for Clark who came overland and joined him at Ross Hole and they had a meeting with the Flathead Indians and there perfected the treaty of peace which was maintained by the Indians to this day. This picture here shows us that meeting and it was immediately after that when the expedition came to the Shoshone camp where Sacajawea met her brother and from that time on the way of the expedition was clear. Her friendship with the expedition cemented the friendship with the Shoshone Indians. There has been some question as to just what Mr. Russell's picture depicts but I can positively say that it is the meeting of the Lewis and Clark Expedition with the Flathead Indians at Ross Hole as Mr. Russell told me himself. I might add that this picture is priceless to the State of Montana.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Chamberlain in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 1 be amended as follows:

Amend Section 1 by adding in line 15 after the words "such sale", the following words: "or on which taxes are delinquent for the first installment of the year 1936."

Amend Section 3 by striking out in line 3 after the figures "1938" the following: all of the remainder of lines 3 and 4 in said section, and as amended be concurred in.

That Senate Bill No. 72 be amended as follows:

Amend Section 1 by inserting after the word "class" at the end of line 3 the following words "subject to a majority vote of the taxpayers in said County."

Amend the title by inserting in line 2 of the title after the word "Commissioners" the words "of counties of the seventh class." and as amended be concurred in.

That Senate Bill No. 140 be amended as follows:

Amend Section 1 after period in line 14 by adding the following: "Provided further, that the five percent (5%) herein provided, shall not

apply to supplies, materials, foods and merchandise, if federal funds are used either directly or indirectly to pay for same." and as amended be concurred in.

That Senate Bill No. 176 be concurred in.

That Senate Bill No. 184 be not concurred in.

That Senate Bill No. 125 be amended as follows:

Amend Section 7 by striking out in line 6 the words "Sugar Beet Producing" and inserting in lieu thereof the words "Diversified Farming" and as amended be concurred in.

That Senate Bill No. 132 be concurred in.

That Senate Bill No. 152 be concurred in.

That Senate Amendments to House Bill No. 270 be concurred in.

That Senate Amendments to House Bill No. 194 be concurred in.

That Senate Joint Resolution No. 8 be not concurred in.

That Senate Bill No. 97 be concurred in.

That consideration of Senate Bill No. 141 and 137 be passed for the day.

That Senate Bill No. 177 be concurred in.

That Senate Bill No. 117 be concurred in.

That Substitute Senate Bill No. 81 be concurred in.

That Senate Joint Memorial No. 8 be concurred in.

CHAMBERLAIN, Chairman.

It was moved by Chamberlain, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Stromnes, duly seconded, that Senate Bill No. 1 be segregated from the report of the Committee of the Whole. A Roll Call was demanded, to be entered in the Journal, by the required number and the motion lost by the following vote:

Ayes: D'Ewart, Elliott, Haight, Hedden, Hoiness, Lehrkind, Levissee, Lippard, Longenecker, Love, Miller (Big Horn), Minette, Mitchell, Monahan, Mungas, O'Connor, Scofield, Shanley, Stromnes. Total 19.

Noes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brennan, Campbell, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hardcastle, Hess, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Lemmer, Lovell, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 57.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Brayman, Burns, Chatham, Cruickshank, DeDobbeleer, Hamilton, Haugan, Heavlin, Holecek, Kelson, Kruse, Leeson, Mackie, Metlen, Miles, Padbury, Reed, Sherman, Smith, Sorte, Stortz, Toomey, Trandum, Whaley. Total 26.

Whereupon the motion to adopt the Committee of the Whole report was adopted.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M. Friday morning, February 26th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FIFTY-FOURTH DAY

House of Representatives,  
Helena, Montana,  
February 26th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: DeDobbeleer, Holecek, Jackson, Kelson, Kruse, Padbury and Stortz.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-third Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

## REPORT OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to consider House Bill No. 29, wish to submit the following amendment to the amendment:

Amend Section 1, by adding a new sentence immediately after the word "employee" on Line 32 of the original bill, being Line 16 of the printed bill, which shall read as follows:

"Provided this section does not apply where the number of employees does not exceed twelve (12) actually engaged in the mining of coal.

PHELAN,  
CHAMBERLAIN,  
O'SHEA,

For the House.

PAGE,  
SIMMONS,  
SWERTELLE,

For the Senate.

## STATEMENT

The Senate has receded from its amendments and the above amendment cuts the number of employees from thirty (30) to twelve (12).

PHELAN, Chairman of the House Committee.

On motion duly seconded, the report of the Conference Committee on House Bill No. 29, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Burns, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Goodwin, Green, Haight, Hardcastle, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Love, McClain, McLeod, Mackie, Masterson, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 67.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Bower, Brayman, Brennan, Campbell, Crouse, DeDobbeleer, D'Ewart, Finnegan, Freshman, Hamilton, Haugan, Heavlin, Holecek, Jackson, Kelson, Kruse, Levissee, Lippard, Longenecker, Lovell, McKenna, Manning, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, Mungas, Padbury, Schneider, Sherman, Smith, Stortz, Stromnes. Total 35.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Mines and Mining, having had under consideration Senate Bill No. 127 respectfully report as follows: That Senate Bill No. 127 be concurred in.

JOFFRAY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Bill No. 128 respectfully report as follows: That Senate Bill No. 128 be concurred in.

MILLER of Big Horn, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Senate Joint Resolution No. 9 respectfully report as follows: That Senate Joint Resolution No. 9 be concurred in.

MILLER of Big Horn, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration Senate Bill No. 103 respectfully report as follows: That Senate Bill No. 103 be amended as follows:

That there be inserted a new section immediately following Section 10 to be known as Section 11 and to read as follows: "Section 11. For the purposes of this Act the use of the words Montana Highway Patrol Board, Highway Patrol Board, Patrol Board, or Board, refers to, means, and is the Montana Highway Commission."

That Section 11 of the bill be designated as Section 12.

By striking out in Section 1 in Line 25, the words and figures "thirty-six hundred dollars (\$3,600.00)" and inserting in lieu thereof the words and figures "thirty four hundred dollars (\$3,400.00)".

By striking out in Line 31, of Section 1741.5 the words and figures "twenty-one hundred and sixty dollars (\$2,160.00)" and insert in lieu thereof the words and figures "twenty eight hundred dollars (\$2,800.00)". and as amended be concurred in.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Bill No. 194 respectfully report as follows: That Senate Bill No. 194 be concurred in.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 9 respectfully report as follows: That Senate Joint Memorial No. 9 be concurred in.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Bill No. 188 respectfully report as follows: That Senate Bill No. 188 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Bill No. 164 respectfully report as follows: That Senate Bill No. 164 be concurred in.

MILLER of Roosevelt, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 145 respectfully report as follows: That Senate Bill No. 145 be not concurred in.

ANDERSON of Chouteau, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 189 respectfully report as follows: That Senate Bill No. 189 be concurred in.

ANDERSON of Chouteau, Chairman.

Report adopted.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised that he had this day approved the following House Bills: House Bills Nos. 9, 126, 127, 142, 145, 179, 180, 216, 222, 221 and Substitute House Bills Nos. 28 and 31.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 100, 140, 229, 268 and Substitute House Bill No. 341.

The following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: House Bills Nos. 49, 79, 230, 244, 300, 313, 377, 403 and 405.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 182, 288, 329, 364 and 375.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, requests the House to return to the Senate for further consideration: House Bills Nos. 138 and 313.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried, that the House grant the request of the Honorable Senate for the return of House Bill No. 138.

It was moved by Spiegel, duly seconded, that the House grant the request of the Honorable Senate for the return of House Bill No. 313.

On substitute motion, it was moved by Elliott, duly seconded and carried, that the motion of Spiegel be laid on the table.

It was moved by Spiegel, duly seconded and carried, that the House reconsider its action on Senate Bill No. 85.

It was moved by Spiegel, duly seconded and carried, that the Honorable Senate be requested to return Senate Bill No. 85 to the House.

It was moved by Minette, duly seconded and carried, that the House reconsider its action on Senate Bill No. 145.

It was moved by Minette, duly seconded and carried, that Senate Bill No. 145 be recommended for concurrence.

It was moved by Shanley, duly seconded, that the House reconsider its action on Senate Joint Resolution No. 8. Motion was lost.

### INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred to the Committee on Appropriations. House Bill No. 414, being an appropriation measure was read at length.

House Bill No. 414, introduced by Committee on Appropriations, by unanimous consent: A Bill for an Act entitled: "An Act to appropriate money for the payment of per diem to the officers and attaches and for incidental expenses of the Twenty-fifth Legislative Assembly of the State of Montana."

Speaker Pro Tem in the Chair.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 152 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Daly, D'Ewart, Dougherty, Eggenberger, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 73.

Noes: Miles. Total 1.

Absent and not voting: Bjerneby, Chatham, Cruickshank, Cusick, DeDobbeleer, Elliott, Finnegan, Hamilton, Holecek, Jackson, Joffray, Kelson, Kruse, Lambert, Lippard, Lovell, Metlen, Minette, Monahan, Mungas, Padbury, Reed, Shanley, Stortz, Stromnes, Trandum, Waldrop, Whaley. Total 28.

Senate Bill No. 132 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Love, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 72.

Noes: Dougherty, Levisee, Longenecker, Lovell, Metcalf. Total 5.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Brennan, Campbell, DeDobbeleer, Finnegan, Hamilton, Holecek, Jackson, Kelson, Kruse, Lambert, Lippard, McClain, Metlen, Minette, Monahan, Mungas, Padbury, Reed, Smith, Stortz, Stromnes, Trandum, Whaley. Total 25.

Senate Bill No. 176 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Cohen, Crouse, Cruickshank, Cusick,

Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Joffray, Johnson, Lasby, Lehrkind, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Stimatz, Toomey, Tyler, Vanek, Waldrop, Mr. Speaker. Total 57.

Noes: Chamberlain, Conner, Green, Ijams, Leeson, Lemmer, Levissee, Mackie, Masterson, Measure, Nelson, Peterson (Pondera), Sherman, Sorte, Spiegel, Wenger, Wood. Total 17.

Absent and not voting: Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Campbell, Chatham, DeDobbeleer, Finnegan, Haight, Heavlin, Hoiness, Holecek, Jackson, Kelson, Kruse, Lambert, Lippard, Manning, Metlen, Minette, Mitchell, Mungas, Padbury, Reed, Stortz, Stromnes, Trandum, Whaley. Total 28.

Senate Bill No. 97 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Haugan, Heavlin, Hess, Ijams, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood, Toomey. Total 67.

Noes: Chatham, McLeod, Smith, Stimatz. Total 4.

Absent and not voting: Anderson (Lincoln), Bjorneby, Bloom, Brennan, Burns, Campbell, DeDobbeleer, D'Ewart, Finnegan, Haight, Hardcastle, Hedden, Hoiness, Holecek, Jackson, Joffray, Kelson, Kruse, Lambert, Lippard, Lovell, Metlen, Mungas, Padbury, Peterson (Pondera), Reed, Stortz, Stromnes, Trandum, Whaley, Mr. Speaker. Total 31.

Senate Bill No. 177 was not concurred in by the following vote:

Ayes: Acher, Anderson (Phillips), Anderson (Silver Bow), Bloom, Cohen, Conner, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Johnson, Leeson, Lippard, Longenecker, Love, Lovell, Measure, Miller (Big Horn), Minette, Monahan, O'Connor, Scofield, Shanley, Smith, Toomey, Wenger. Total 34.

Noes: Alvord, Anderson (Chouteau), Anderson (Lincoln), Bower, Burns, Chamberlain, Chatham, Crouse, Cruickshank, Daly, Lasby, Lehrkind, Lemmer, Levissee, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Miles, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wood. Total 38.

Absent and not voting: Bjorneby, Brayman, Brennan, Campbell, Cusick, DeDobbeleer, D'Ewart, Finnegan, Haight, Hedden, Holecek, Ijams, Jackson, Joffray, Kelson, Kruse, Lambert, Manning, Metlen, Mungas, Padbury, Peterson (Pondera), Reed, Schneider, Scott, Stortz, Stromnes, Trandum, Whaley, Mr. Speaker. Total 30.

Senate Bill No. 117 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson,

Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Wenger, Wood. Total 76.

Noes: None.

Absent and not voting: Bjerneby, Brennan, Campbell, DeDobbeleer, D'Ewart, Elliott, Finnegan, Haight, Hedden, Holecek, Jackson, Joffray, Kelson, Kruse, Measure, Metlen, Mungas, Padbury, Schneider, Scott, Stortz, Stromnes, Trandum, Waldrop, Whaley, Mr. Speaker. Total 26.

Substitute Senate Bill No. 81 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Cohen, Conner, Cruickshank, Cusick, Daly, Dougherty, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood. Total 65.

Noes: D'Ewart, Eggenberger, Haight, Levissee, Lippard, Longenecker, Lovell, McLeod, Stimatz. Total 9.

Absent and not voting: Bjerneby, Campbell, Chamberlain, Chatham, Crouse, DeDobbeleer, Finnegan, Holecek, Jackson, Joffray, Kelson, Kruse, Love, Manning, Metlen, Miller (Big Horn), Minette, Mungas, O'Shea, Padbury, Reed, Scott, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 28.

Senate Bill No. 1 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cusick, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Johnson, Lambert, Lasby, Leeson, Lemmer, McClain, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop, Wenger, Wood. Total 61.

Noes: Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Haight, Hedden, Hoiness, Lehrkind, Levissee, Lippard, Longenecker, Love, Miller (Big Horn), O'Connor, Scofield, Smith. Total 17.

Absent and not voting: Bjerneby, Campbell, Chatham, DeDobbeleer, Eggenberger, Finnegan, Haugan, Holecek, Jackson, Joffray, Kelson, Kruse, Lovell, Mackie, Metlen, Minette, Mungas, Padbury, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 24.

Senate Bill No. 140 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Ruff-



corn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood. Total 68.

Noes: Chatham, Haight, Levisee, Love, Measure, O'Connor. Total 6.

Absent and not voting: Bjorneby, Campbell, Conner, DeDobbeleer, Eggenberger, Elliott, Finnegan, Hamilton, Heavlin, Jackson, Joffray, Kelson, Kruse, Lippard, Manning, Metlen, Miller (Big Horn), Minette, Mungas, Padbury, Peterson (Pondera), Reed, Stimatz, Stortz, Stromnes, Trandum, Whaley, Mr. Speaker. Total 28.

Senate Bill No. 72 was concurred in by following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Conner, D'Ewart, Green, Hess, Ijams, Johnson, Lambert, Leeson, Levisee, McClain, McKenna, McLeod, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Tyler, Waldrop, Wenger. Total 47.

Noes: Cohen, Crouse, Cruickshank, Daly, Dougherty, Goodwin, Haugan, Hedden, Hoiness, Lasby, Lehrkind, Lemmer, Longenecker, Love, Lovell, Measure, Phelan, Wood. Total 18.

Absent and not voting: Anderson (Silver Bow), Bjorneby, Campbell, Cusick, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman, Haight, Hamilton, Hardcastle, Heavlin, Holecek, Jackson, Joffray, Kelson, Kruse, Lippard, Mackie, Manning, Masterson, Metlen, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Parker, Reed, Stimatz, Stortz, Stromnes, Trandum, Vanek, Whaley, Mr. Speaker. Total 37.

Senate Bill No. 125 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood. Total 73.

Noes: None.

Absent and not voting: Bjorneby, Brennan, Campbell, DeDobbeleer, Elliott, Haight, Hamilton, Heavlin, Holecek, Jackson, Joffray, Kelson, Kruse, Manning, Metlen, Miller (Big Horn), Minette, Mungas, O'Connor, Padbury, Parker, Reed, Shanley, Stortz, Stromnes, Trandum, Vanek, Whaley, Mr. Speaker. Total 29.

Senate Joint Memorial No. 8 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Toomey, Vanek, Wenger, Wood, Eggenberger. Total 64.

Noes: None.

Absent and not voting: Acher, Bjerneby, Bloom, Brennan, Campbell, Chatham, Conner, DeDobbeleer, Elliott, Haight, Hamilton, Heavlin, Hedden, Holecek, Jackson, Joffray, Kelson, Kruse, Lehrkind, Levissee, Love, Lovell, Manning, Masterson, Mungas, O'Connor, Padbury, Parker, Reed, Sherman, Stortz, Stromnes, Trandum, Tyler, Waldrop, Whaley, Metlen, Mr. Speaker. Total 38.

Senate Amendments to House Bill No. 270 were concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Brayman, Brennan, Chamberlain, Cohen, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood. Total 61.

Noes: Anderson (Lincoln), McLeod, Miles. Total 3.

Absent and not voting: Acher, Anderson (Silver Bow), Bjerneby, Bloom, Bower, Burns, Campbell, Chatham, Conner, Crouse, DeDobbeleer, Elliott, Freshman, Hamilton, Heavlin, Holecek, Jackson, Joffray, Kelson, Kruse, Lehrkind, Love, Manning, Masterson, Metlen, Minette, Mitchell, Mungas, O'Connor, Padbury, Reed, Shanley, Sorte, Stortz, Stromnes, Trandum, Whaley, Mr. Speaker. Total 38.

Senate Amendments to House Bill No. 194 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Johnson, Lasby, Leeson, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood. Total 71.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Bjerneby, Campbell, Chatham, DeDobbeleer, Elliott, Finnegan, Hamilton, Heavlin, Hess, Holecek, Jackson, Joffray, Kelson, Kruse, Lambert, Lehrkind, Lippard, Lovell, Manning, Masterson, Metlen, Mungas, O'Connor, Padbury, Sherman, Stortz, Stromnes, Trandum, Whaley, Mr. Speaker. Total 31.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Speaker Pro Tem in the Chair.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Substitute Senate Bill No. 90, respectfully report as follows: That Substitute Senate Bill No. 90 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 174, respectfully report as follows: That Senate Bill No. 174 be not concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 193, respectfully report as follows: That Senate Bill No. 193 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 136, respectfully report as follows: That Senate Bill No. 136 be not concurred in.

STROMNES, Chairman.

It was moved by Stromnes, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that the report be not adopted and that Senate Bill No. 136 be recommended for concurrence.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 135, respectfully report as follows: That Senate Bill No. 135 be not concurred in.

STROMNES, Chairman.

It was moved by Stromnes, duly seconded, that the report of the committee be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that the report be not adopted and that Senate Bill No. 135 be recommended for concurrence.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 91, respectfully report as follows: That Senate Bill No. 91 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 54, respectfully report as follows: That Senate Bill No. 54 be amended as follows:

In Line 8 on Page 9 of the original bill, Section 4, by striking the words and figures "eleven thousand dollars" (\$11,000.00) and inserting in lieu thereof "one thousand two hundred and fifty dollars" (\$1250.00) And as amended be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 100, respectfully report as follows: That Senate Bill No. 100 be concurred in.

STROMNES, Chairman.

It was moved by Stromnes, duly seconded, that the report of the Committee be adopted. On substitute motion, it was moved by Hoiness, duly seconded and carried, that Senate Bill No. 100 be not concurred in.

Mr. Speaker: We, your Committee on Economy, having had under consideration Senate Bill No. 160, respectfully report as follows: That Senate Bill No. 160 be referred to the Committee on Appropriations.

PETERSON (Sheridan), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on New Counties and Divisions, having had under consideration Senate Bill No. 124, respectfully report as follows: That Senate Bill No. 124 be concurred in.

TYLER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 413, respectfully report as follows: That House Bill No. 413 do not pass.

MANNING, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded and carried, that the House reconsider its action on House Bill No. 413.

It was moved by Minette, duly seconded and carried, that the House do not adopt the report of the committee on House Bill No. 413 and the same be considered printed and placed on General Orders.

Mr. Speaker in the Chair.

### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised the House that he had this day approved the following House measures: House Bills Nos. 63 and 189.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the request of the House for the return of Senate Bills Nos. 85 and 139 was this day, on motion, granted, and the bills are herewith returned to the House.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the report of the Special Investigation Committee on House Resolution No. 3 be mimeographed in a sufficient number so that each member of the House and Senate might obtain one and spare copies also for outside officials.

It was moved by Smith, duly seconded, that Senate Bill No. 139 be referred to a committee.

The Speaker ruled the motion out of order because Senate Bill No. 139 could not be accepted as it was in the House in violation of Joint Rule No. 8 and Joint Rule No. 23.

Smith appealed from the decision of the Chair. A roll call was demanded by the required number and the Speaker's decision was sustained by the following vote: Ayes: 62; Noes: 16; Absent 20; Passed their vote 4.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders, under the rules of the previous sitting.

Smith in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 137 be concurred in.



That Senate Bill No. 141 be concurred in.  
 That Senate Bill No. 153 be concurred in.  
 That House Bill No. 413 do pass.  
 That Senate Bill No. 128 be concurred in.  
 That Senate Joint Resolution No. 9 be concurred in.  
 That Senate Bill No. 194 be concurred in.  
 That Senate Joint Memorial No. 9 be concurred in.  
 That Senate Bill No. 188 be concurred in.  
 That Senate Bill No. 164 be concurred in.  
 That Senate Bill No. 189 be not concurred in.  
 That Senate Bill No. 145 be concurred in.  
 That Senate Bill No. 103 be concurred in.

SMITH, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Enrolling, report the following bills correctly enrolled: House Bills Nos. 55 and 286.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 55, introduced by me, and find the same to be correct.

McLEOD.

I have examined enrolled House Bill No. 286, introduced by me, and find the same to be correct.

ALVORD.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 57, 87, 52, 53, 54, Substitute Senate Bill No. 55, and House Bills Nos. 55 and 286.

#### MESSAGE FROM THE GOVERNOR

Executive Offices,  
 Helena, Montana,  
 February 26, 1937.

To the President of the Senate, the Speaker of the House, and to the Members of the Twenty-fifth Legislative Assembly:

An emergency confronts us in that the Works Progress Administration of the Government of the United States, which has so generously aided and assisted the people of our state in the past, has now withdrawn W. P. A. assistance and funds unless each W. P. A. project is sponsored by the state or one of its political subdivisions, which must furnish the materials, equipment, rentals, supplies and supervision of such project, at the cost and expense of the sponsor—the Government furnishing all labor, which shall be taken from the relief rolls of the locality of the sponsor.

The Government of the United States has made this order effective in order that its funds may go further than heretofore in the employment of needy people and to confine its expenditures to permanent, useful and needy projects.

Many subdivisions of the state, such as school districts, towns, cities, counties, and their own immediate subdivisions, are unable financially to sponsor such project and comply with the requirements of the W. P. A. Therefore it is necessary and becomes our duty to effect legislation whereby such political subdivisions can take advantage of the benefits offered by W. P. A. and to that end it is necessary that we have legislation making it possible for the political subdivisions of the state to have sufficient method and authority by which sufficient funds can be raised by them to cooperate with the Federal agencies and acquire the benefits of such cooperation.

I am sure that the Assembly appreciates the necessity of adequate legislation to give every aid and assistance in this emergency situation.

In order to aid you in this task I have used my every effort, and to that end I did call a committee of leading citizens and industrialists of the state together at the Capitol for the purpose of working out a solution of the difficulties presented.

The Committee for several days gave diligent study to this serious problem and drafted proposed legislation on the subject, which is herewith submitted for your consideration. This proposed legislation is being delivered herewith to the House for the reason that such legislation must originate there. It is my request that the Legislative Assembly give this proposed legislation its usual earnest and painstaking consideration and that the House refer it to the appropriate committee and urge immediate consideration.

This draft of legislation is submitted as a result of the labors of this committee and not with any thought of directing legislation in your bodies, but with the thought of giving you every assistance at my command. I know the hour of this Session is late and therefore I respectfully urge speedy consideration.

(Signed)

ROY E. AYERS, Governor.

### INTRODUCTION OF BILLS

House Bill No. 415, introduced by Monahan, Manning and Toomey, by unanimous consent, was read first and second times, and referred to the Committee on Judiciary:

House Bill No. 415, introduced by Monahan, Manning and Toomey: A Bill for an Act entitled: "An Act authorizing the state to take advantage of federal activities to furnish emergency relief employment to needy citizens of the state; creating an emergency relief fund; providing for the levy of a tax to finance such fund; authorizing public bodies to issue anticipatory emergency relief fund warrants; authorizing and directing the State Land Board to purchase such warrants under certain conditions and declaring an emergency."

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Smith in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bills Nos. 268 and 140 be concurred in.

That Senate Amendments to House Bill No. 229 be not concurred in and the House appoint a conference committee and a like committee be requested from the Senate.

That Senate Amendments to House Bills Nos. 341 and 100 be concurred in.

That Senate Bills Nos. 135, 136, 91, 124, 193 and 127 be concurred in.

That Substitute Senate Bill No. 90 be concurred in.

SMITH, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 415, respectfully report as follows: That House Bill No. 415 do pass.

ALVORD, Vice Chairman.

Report adopted.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that House Bill No. 415 be considered correctly printed and placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Saturday morning, February 27th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

FIFTY-FIFTH DAY

House of Representatives,  
Helena, Montana,  
February 27th, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following who were excused: DeDobbeleer, Holecek, Kelson, Kruse, Padbury and Stortz.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-fourth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, a majority of your Committee on Judiciary, having had under consideration Senate Bill No. 151, respectfully report as follows: That Senate Bill No. 151 be not concurred in.

HOINESS,  
BJORNEBY,  
HEAVLIN,  
HAIGHT,  
SMITH,  
RUFFCORN,  
LASBY,  
O'CONNOR.

Mr. Speaker: We, a minority of your Committee on Judiciary, having had under consideration Senate Bill No. 151, respectfully report as follows: That Senate Bill No. 151 be concurred in.

STROMNES,  
TOOMEY.

It was moved by Haight, duly seconded, that the report of the majority be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that the report of the minority be adopted.

Mr. Speaker: We, a majority of your Committee on Judiciary, having had under consideration Senate Bill No. 150, respectfully report as follows: That Senate Bill No. 150 be not concurred in.

HOINESS,  
BJORNEBY,  
HEAVLIN,  
HAIGHT,  
SMITH,  
RUFFCORN,  
LASBY,  
O'CONNOR.

Mr. Speaker: We, a minority of your Committee on Judiciary, having had under consideration Senate Bill No. 150, respectfully report as follows: That Senate Bill No. 150 be concurred in.

STROMNES,  
TOOMEY.

It was moved by Haight, duly seconded, that the report of the majority be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that the report of the minority be adopted.

The Committee on Engrossing reported the following bill considered correctly engrossed: House Bill No. 413.

PETERSON (Pondera), Chairman.

Report adopted.

The Speaker announced the conference committee on Senate Amendments to House Bill No. 229 as follows: Alvord, Levissee, Hoiness.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: House Bills Nos. 69, 91, 198, 213, 282, 284, 309, 369, 252, 371 and Substitute House Bill No. 95.

House Bill No. 274, by Anderson (Silver Bow), was this day read third time and concurred in, and bill is herewith returned to the House for concurrence in the Senate amendments.

The President of the Senate this day, on motion and at the request of the House, appointed the following Senators to act with a like Committee from the House for the consideration of Senate amendments to House Bill No. 144: Senators Kroman, O'Day and Ecton.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 251, 214, 358, 228, 202, 298, 347, 365, and House Joint Memorials Nos. 7 and 8.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following Bills correctly enrolled: House Bills Nos. 364 and 182.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 364, introduced by me, and find the same to be correct.

TOOMEY.



I have examined enrolled House Bill No. 182, introduced by me, and find the same to be correct.

ALVORD.

The Speaker signed the following measures in Open Session: House Bills Nos. 364 and 182.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House request the Senate to return Senate Bill No. 177 for further consideration.

### INTRODUCTIONS

The following memorial was introduced, read first and second times, and referred to the Committee on Federal Relations:

House Joint Memorial No. 13, introduced by Brennan and D'Ewart: A Memorial for a survey of the Yellowstone river in Montana to determine the best and efficient use of its waters and to stabilize the irrigated and irrigable lands in the Yellowstone river basin and to further assist in the control of floods along the said Yellowstone river.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 137 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brennan, Burns, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Jackson, Johnson, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Sorte, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 71.

Noes: Chatham, Lambert, Lasby, Mitchell, O'Shea, Spiegel, Whaley. Total 7.

Absent and not voting: Alvord, Bloom, Brayman, Campbell, Chamberlain, DeDobbeleer, Heavlin, Hoiness, Holecek, Ijams, Joffray, Kelson, Kruse, McLeod, O'Connor, Padbury, Ruffcorn, Scott, Smith, Stimatz, Stortz, Stromnes, Toomey, Trandum. Total 24.

Senate Bill No. 141 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Burns, Cohen, Conner, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Jackson, Johnson, Leeson, Lehrkind, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mungas, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Shanley, Sherman, Sorte, Toomey, Trandum, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 64.

Noes: Bloom, Chamberlain, Chatham, Ijams, Lambert, Lasby, Lemmer, Mitchell, Mulholland, Nelson, O'Shea, Spiegel. Total 12.

Absent and not voting: Alvord, Brayman, Brennan, Campbell, Crouse, DeDobbeleer, Green, Heavlin, Hoiness, Holecck, Joffray, Kelson, Kruse, Levissee, McLeod, Metcalf, Padbury, Reed, Ruffcorn, Scott, Smith, Stimatz, Stortz, Stromnes, Tyler, Whaley. Total 26.

Senate Bill No. 153 was concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, O'Connor, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Sherman, Smith, Sorte, Spiegel, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 68.

Noes: Bloom, Ijams, Nelson, O'Shea, Peterson (Pondera). Total 5.

Absent and not voting: Alvord, Anderson (Chouteau), Bower, Brennan, Campbell, Crouse, DeDobbeleer, Dougherty, Hoiness, Holecck, Joffray, Kelson, Kruse, Lippard, McLeod, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, Mitchell, Padbury, Reed, Scott, Shanley, Stimatz, Stortz, Stromnes, Tyler. Total 29.

### MOTIONS AND RESOLUTIONS

It was moved by Lovell, duly seconded and carried, that the House reconsider its action on House Bill No. 413.

Speaker Pro Tem in the Chair.

House Resolution, introduced by Alvord and Ruffcorn.

WHEREAS, Joint Rule No. 23 of the Senate and the House of Representatives provides as follows: "No. 23. Transmission of Bills—No bills transmitted by the House to the Senate, nor by the Senate to the House, after the fiftieth day of the Session, and no amendments transmitted by the House to the Senate, nor by the Senate to the House, after the fifty-eighth day of the Session shall be considered, with the exception of bills considered by a joint conference committee. Bills from said committees may be transmitted at any time up to and including the sixtieth day."

WHEREAS, All business so far submitted to both houses of the legislature has been expeditiously disposed of and it is now apparent that the foregoing rule can be fully complied with and that all bills and amendments thereto may be transferred to the respective houses for final consideration in accordance with the foregoing rule and

WHEREAS, it is the desire of the House of Representatives of the twenty-fifth Legislative Assembly that all business may be finally concluded within the time provided by law and that the members of the said House are desirous that all of its business be completed within said time.

NOW BE IT RESOLVED, That Joint Rule No. 23 of the Senate and of the House of Representatives will be adhered to by the House of Representatives and that no suspension or extension of said rule will be permitted and

BE IT FURTHER RESOLVED, That the House will receive no communication from the Senate after midnight of March 4, 1937 and that the said House will be ready to adjourn sine die at said time.

On motion of Alvord the above resolution was adopted.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 128 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood. Total 77.

Noes: None.

Absent and not voting: Campbell, Conner, DeDobbeleer, Haight, Hamilton, Heavlin, Hoiness, Holecek, Joffray, Johnson, Kelson, Kruse, Lovell, McLeod, Manning, Metcalf, Minette, Padbury, Ruffcorn, Scott, Shanley, Stortz, Stromnes, Tyler, Mr. Speaker. Total 25.

Senate Joint Resolution No. 9 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Sorte, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Wood. Total 78.

Noes: None.

Absent and not voting: Campbell, Chatham, DeDobbeleer, Elliott, Haight, Hamilton, Hoiness, Holecek, Joffray, Kelson, Kruse, Lovell, McLeod, Manning, Padbury, Peterson (Sheridan), Ruffcorn, Scott, Smith, Spiegel, Stortz, Stromnes, Tyler, Mr. Speaker. Total 24.

Senate Bill No. 194 was not concurred in by the following vote:

Ayes: Anderson (Lincoln), Bjerneby, Chamberlain, Chatham, D'Ewart, Goodwin, Green, Haight, Hedden, Hess, Lambert, Leeson, Lemmer, Longenecker, Masterson, Measure, Mitchell, Sherman, Wenger, Whaley. Total 20.

Noes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Conner, Crouse, Cruickshank, Daly, Dougherty, Eggenberger, Elliott, Freshman, Hamilton, Haugan, Heavlin, Hoiness, Ijams, Johnson, Lasby, Lehrkind, Levissee, Lippard, Lovell, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Smith, Sorte, Spiegel, Stimatz, Trandum, Waldrop, Wood. Total 55.

Absent and not voting: Campbell, Cohen, Cusick, DeDobbeleer, Holecek, Jackson, Joffray, Kelson, Kruse, Love, McClain, McKenna, McLeod,

Mackie, Manning, Padbury, Ruffcorn, Scott, Shanley, Stortz, Stromnes, Toomey, Tyler, Mr. Speaker. Total 24.

Passed their vote: Finnegan, Hardcastle, Vanek. Total 3.

Senate Bill No. 188 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, McClain, Mackie, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Sherman, Smith, Sorte, Vanek, Waldrop, Wenger, Whaley. Total 63.

Noes: D'Ewart, Longenecker, Masterson, Miles, Mungas, O'Connor, O'Shea, Scofield, Spiegel, Stimatz, Wood. Total 11.

Absent and not voting: Campbell, Conner, Daly, DeDobbeleer, Elliott, Holecsek, Joffray, Kelson, Kruse, Love, Lovell, McKenna, McLeod, Manning, Measure, Metlen, Mitchell, Padbury, Ruffcorn, Scott, Shanley, Stortz, Stromnes, Toomey, Trandum, Tyler, Schneider, Mr. Speaker. Total 28.

Senate Joint Memorial No. 9 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bloom, Bower, Brayman, Chamberlain, Chatham, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Scofield, Shanley, Sherman, Spiegel, Stimatz, Toomey, Trandum, Waldrop, Wenger, Whaley, Wood. Total 66.

Noes: Anderson (Lincoln), D'Ewart, Jackson. Total 3.

Absent and not voting: Anderson (Phillips), Bjorneby, Brennan, Burns, Campbell, Cohen, DeDobbeleer, Hamilton, Heavlin, Holecsek, Joffray, Kelson, Kruse, Lippard, Love, McKenna, McLeod, Manning, Masterson, Metlen, Miller (Big Horn), Minette, Padbury, Ruffcorn, Schneider, Scott, Smith, Sorte, Stortz, Stromnes, Tyler, Vanek, Mr. Speaker. Total 33.

Senate Bill No. 164 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brayman, Burns, Chamberlain, Chatham, Crouse, Cruickshank, Daly, D'Ewart, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Lovell, McClain, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Scofield, Shanley, Sherman, Spiegel, Stimatz, Toomey, Trandum, Vanek, Wenger, Whaley, Wood. Total 63.

Noes: Anderson (Lincoln), Bloom, Dougherty, Eggenberger, Longenecker, Mackie, O'Shea, Waldrop. Total 8.

Absent and not voting: Brennan, Campbell, Cohen, Conner, Cusick, DeDobbeleer, Elliott, Haight, Hamilton, Holecsek, Joffray, Kelson, Kruse, Lambert, Love, McKenna, McLeod, Manning, Masterson, Metlen, Minette, Padbury, Ruffcorn, Schneider, Scott, Smith, Sorte, Stortz, Stromnes, Tyler, Mr. Speaker. Total 31.



Senate Bill No. 145 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Bower, Chatham, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Goodwin, Haight, Heavlin, Hedden, Hess, Hoiness, Johnson, Lambert, Lasby, Levisse, Longenecker, Lovell, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Monahan, Parker, Phelan, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wood. Total 42.

Noes: Anderson (Lincoln), Bjerneby, Bloom, Brayman, Burns, Chamberlain, Conner, Crouse, Cruickshank, Cusick, Freshman, Hardcastle, Haugan, Ijams, Jackson, Leeson, Lehrkind, Lemmer, McClain, Miller (Big Horn), Mitchell, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Reed, Whaley. Total 30.

Absent and not voting: Anderson (Silver Bow), Anderson (Phillips), Brennan, Campbell, Cohen, DeDobbeleer, Elliott, Green, Hamilton, Holecek, Joffray, Kelson, Kruse, Lippard, Love, McKenna, McLeod, Manning, Masterson, Metlen, Padbury, Ruffcorn, Schneider, Scott, Smith, Stortz, Stromnes, Tyler, Wenger, Mr. Speaker. Total 30.

Senate Bill No. 103 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lovell, McClain, Measure, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, O'Connor, Parker, Peterson (Sheridan), Phelan, Reed, Schneider, Shanley, Sherman, Sorte, Toomey, Trandum, Mackie. Total 49.

Noes: Anderson (Silver Bow), Chamberlain, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hess, Johnson, Lambert, Lippard, Longenecker, Metcalf, Miles, Nelson, Peterson (Pondera), Scofield, Spiegel, Stimatz, Waldrop, Whaley, Wood. Total 23.

Absent and not voting: Brennan, Campbell, Chatham, Cohen, Conner, DeDobbeleer, Hamilton, Holecek, Joffray, Kelson, Kruse, Love, McKenna, McLeod, Manning, Masterson, Metlen, Minette, Mungas, O'Shea, Padbury, Ruffcorn, Scott, Smith, Stortz, Stromnes, Tyler, Vanek, Wenger, Mr. Speaker. Total 30.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Lehrkind in the Chair. Committee arose.

House resumed. Speaker Pro Tem in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That consideration of House Bill No. 415 be postponed until copies of same can be mimeographed and placed on the desks of the members.

That Senate Amendments to House Bill No. 274 be concurred in.

That Senate Bill No. 150 be concurred in.

That Senate Bill No. 151 be concurred in.

That consideration of Senate Bill No. 54 be passed temporarily.

That House Bill No. 413 be amended as follows: After the words "State Liquor Stores" in Line 31, page 2, of the engrossed bill, insert the following: "to an amount not to exceed Five Thousand Dollars (\$5,000.00) in any one year," and as amended do pass.

LEHRKIND, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Enrolling report the following bills correctly enrolled: House Bills Nos. 75, 194, 329, 150, 270 and 375.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 375, introduced by me, and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 270, introduced by me, and find the same to be correct.

MUNGAS.

I have examined enrolled House Bill No. 194, introduced by me, and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 329, introduced by me, and find the same to be correct.

MINETTE.

I have examined enrolled House Bill No. 150, introduced by me, and find the same to be correct.

O'CONNOR.

I have examined enrolled House Bill No. 75, introduced by me, and find the same to be correct.

HOINESS.

The Speaker Pro Tem signed the following measures in Open Session: House Bills Nos. 75, 194, 329, 150, 270 and 375.

Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 190, respectfully report as follows: That Senate Bill No. 190 be not concurred in.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 113, respectfully report as follows: That Senate Bill No. 113 be amended as follows:

Strike out in line 47, page 3, the words: "Whenever the total indebtedness of a county" and substitute in lieu thereof, the words "Any county which prior to May 1, 1937."

Insert in line 51, page 3, following the words: "power and authority", the words: "prior to July 1, 1938."

And as amended, be concurred in.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 143, respectfully report as follows: That Senate Bill No. 143 be concurred in.

ANDERSON (Chouteau), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 191, respectfully report as follows: That Senate Bill No. 191 be referred to the Appropriations Committee.  
METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 158, respectfully report as follows: That Senate Bill No. 158 be concurred in.  
BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 157, respectfully report as follows: That Senate Bill No. 157 be not concurred in.  
BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 148, respectfully report as follows: That Senate Bill No. 148 be concurred in.  
STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 155, respectfully report as follows: That Senate Bill No. 155 be not concurred in.  
BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 93, respectfully report as follows: That Senate Bill No. 93 be concurred in.  
METLEN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 123, respectfully report as follows: That Senate Bill No. 123 be not concurred in.  
BJORNEBY, Chairman.

It was moved by Bjerneby, duly seconded, that the report of the Committee of the Whole be adopted. On substitute motion, it was moved by Monahan, duly seconded and carried, that the committee report be not accepted and that Senate Bill No. 123 be placed on General Orders.

Mr. Speaker: We, your Committee on Social Security, having had under consideration Senate Substitute for House Bill No. 154, respectfully report as follows: That Senate Substitute for House Bill No. 154 be amended as follows:

By striking out in Section 10, Line 18 all the subject matter following the figures "1939" throughout the rest of the section and inserting in lieu thereof the following: "This Act shall not repeal any statute now in force nor prevent the exercise of powers as elsewhere in the statutes of this state provided. It shall constitute an additional method of carrying out the powers herein authorized." And as amended be concurred in.  
WENGER, Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 133, respectfully report as follows: That Senate Bill No. 133 be concurred in.  
STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 21, respectfully report as follows: That Senate Bill No. 21 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 154, respectfully report as follows: That Senate Bill No. 154 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 165, respectfully report as follows: That Senate Bill No. 165 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 92, respectfully report as follows: That Senate Bill No. 92 be amended as follows:

Amend the title of the original bill by striking out in Line 4 after the figures "1935" all the remainder of Line 4—all of Lines 5 and 6 to the comma after the figures "1935".

By striking out in Section 1, Line 14 after the figures "1935" all the remainder of Line 14 and all of Line 15 to and including the figures "1935".

And as amended, be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 156, respectfully report as follows: That Senate Bill No. 156 be amended as follows: In line fourteen, strike out the word "felony" and put in "misdemeanor" and strike out all of lines fourteen, fifteen, sixteen, up to "imprisonment" in line seventeen. And as amended, be concurred in.

BJORNEBY, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 98, respectfully report as follows: That Senate Bill No. 98 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 112, respectfully report as follows: That Senate Bill No. 112 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 78, respectfully report as follows: That Senate Bill No. 78 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 110, respectfully report as follows: That Senate Bill No. 110 be concurred in.

STROMNES, Chairman.

Report adopted.



Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration Senate Bill No. 40, respectfully report as follows: That Senate Bill No. 40 be concurred in.

MEASURE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Horticulture, having had under consideration Senate Bill No. 178, respectfully report as follows: That Senate Bill No. 178 be concurred in.

METCALF, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration Substitute Senate Bill No. 146, respectfully report as follows: That Substitute Senate Bill No. 146 be not concurred in.

SHERMAN, Chairman.

Report adopted.

The Speaker announced the following conference committees: On House Amendments to Senate Bill No. 125—Tyler, Metcalf and Chamberlain.

On House Amendments to Senate Joint Resolution No. 6—Alvord, Anderson (Silver Bow) and Eggenberger.

On House Amendments to Senate Bill No. 72—Stromnes, Bower and Reed.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 119, 99, 82, 115, 61 and 88.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised the House that he had this day approved House Bill No. 82.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day, on motion, failed to concur in House amendments to certain Senate Bills, and the President accordingly appointed Conference Committees to act with like committees from the House as follows:

For the consideration of House amendments to Senate Bill No. 125: Anderson, Liess and Weinschrott.

For the consideration of House amendments to Senate Joint Resolution No. 6: Drumheller, Simmons and Larson.

For the consideration of House amendments to Senate Bill No. 72: Cooper, Page and Campbell.

The House is hereby requested to appoint like committees to confer with the Senate committees.

The Senate this day, on motion duly seconded and carried, granted the request of the House for the return of Senate Bill No. 177, and bill is herewith returned.

The Senate this day, on roll call, concurred in the House amendments to Senate Bills Nos. 140 and 176.

House Bill No. 226, by Social Security Committee, was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in the Senate amendments. Also attached is mimeographed copy engrossed with Standing Committee

amendments, the Committee of the Whole amendments being attached thereto.

House Bill No. 12, having failed of concurrence in the Senate this day, is herewith returned to the House.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 148, 285 and 350.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 138, 167, 188, 305, and 219.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that Senate Bill No. 85 be placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that the House reconsider its action on Senate Bill No. 177.

It was moved by Toomey, duly seconded and carried, that the House reconsider its action whereby it adopted an adverse committee report on Senate Bill No. 174.

It was moved by Toomey, duly seconded and carried, that Senate Bill No. 174 be re-referred to the Committee on State Boards and Offices.

It was moved by Stromnes, duly seconded and carried, that the House reconsider its action on Senate Bill No. 194.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

Senate Bill No. 135 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Brennan, Burns, Chat-ham, Cohen, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hedden, Hess, Hoi-ness, Ijams, Jackson, Johnson, Leeson, Lovell, McClain, McKenna, Mackie, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Toomey, Trandum, Vanek, Waldrop, Whaley, Mr. Speaker. Total 59.

Noes: Chamberlain, Finnegan, Lambert, Lasby, Metcalf, Mitchell, Spiegel, Stimatz, Stromnes. Total 9.

Absent and not voting: Anderson (Silver Bow), Bower, Campbell, Conner, Cusick, DeDobbeleer, Hardcastle, Haugan, Heavlin, Holecek, Jof-fray, Kelson, Kruse, Lehrkind, Lemmer, Levisse, Lippard, Longenecker, Love, McLeod, Manning, Masterson, Measure, Metlen, Minette, Mulhol-land, Mungas, Padbury, Ruffcorn, Scott, Stortz, Tyler, Wenger, Wood. Total 34.

Senate Bill No. 136 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Burns, Chamberlain, Co-hen, Conner, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenber-ger, Elliott, Goodwin, Green, Haight, Haugan, Hedden, Hess, Hoiiness, Jackson, Joffray, Johnson, McClain, McKenna, Mackie, Metcalf, Miles,

Miller (Roosevelt), Minette, Monahan, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Smith, Toomey, Trandum, Tyler, Waldrop, Mr. Speaker. Total 54.

Noes: Finnegan, Freshman, Hardcastle, Ijams, Lambert, Lasby, Leeson, Lovell, Miller (Big Horn), Mitchell, Mulholland, O'Shea, Ruffcorn, Sorte, Spiegel, Stimatz, Stromnes. Total 17.

Absent and not voting: Anderson (Silver Bow), Bower, Brennan, Campbell, Chatham, Crouse, DeDobbeleer, Hamilton, Heavlin, Holecek, Kelson, Kruse, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McLeod, Manning, Masterson, Measure, Metlen, Mungas, Padbury, Scott, Stortz, Vanek, Wenger, Whaley, Wood. Total 31.

Senate Bill No. 91 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Johnson, Leeson, Lehrkind, McClain, McKenna, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Vanek, Mr. Speaker. Total 63.

Noes: Bloom, Goodwin, Ijams, Lambert, Lasby, Peterson (Pondera), Stimatz. Total 7.

Absent and not voting: Anderson (Silver Bow), Brennan, Campbell, Conner, DeDobbeleer, Heavlin, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McLeod, Mackie, Manning, Masterson, Mungas, O'Connor, Padbury, Phelan, Scott, Smith, Stortz, Stromnes, Waldrop, Wenger, Whaley, Wood. Total 32.

Senate Amendments to House Bill No. 268 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Bjorneby, Chamberlain, Cusick, Dougherty, Finnegan, Goodwin, Green, Haight, Hamilton, Haugan, Hess, Hoiness, Johnson, Lambert, Lehrkind, McClain, McKenna, Masterson, Measure, Metlen, Miles, Miller (Big Horn), Mitchell, Monahan, Nelson, Parker, Peterson (Pondera), Scofield, Sherman, Spiegel, Stimatz, Waldrop, Wenger, Crouse, Cruickshank, Mr. Speaker. Total 39.

Noes: Anderson (Lincoln), Bloom, Brayman, Brennan, Campbell, Cohen, Daly, D'Ewart, Eggenberger, Elliott, Freshman, Hardcastle, Hedden, Ijams, Jackson, Lasby, Leeson, Lovell, Miller (Roosevelt), O'Connor, O'Shea, Peterson (Sheridan), Ruffcorn, Shanley, Smith, Sorte, Trandum, Tyler, Vanek. Total 29.

Absent and not voting: Anderson (Chouteau), Anderson (Silver Bow), Bower, Burns, Chatham, Conner, DeDobbeleer, Heavlin, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Longenecker, Love, McLeod, Mackie, Manning, Metcalf, Minette, Mulholland, Mungas, Padbury, Phelan, Reed, Schneider, Scott, Stortz, Stromnes, Toomey, Whaley, Wood. Total 34.

Senate Amendments to House Bill No. 140 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lovell, McKenna, Masterson, Metlen,

Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Shanley, Scofield, Sherman, Sorte, Toomey, Trandum, Vanek, Waldrop, Whaley, Mr. Speaker. Total 58.

Noes: Brennan, Burns, Cusick, Hess, Lambert, McClain, Ruffcorn, Stimatz. Total 8.

Absent and not voting: Anderson (Chouteau), Anderson (Silver Bow), Bower, Brayman, Conner, DeDobbeleer, D'Ewart, Dougherty, Heavlin, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Longenecker, Love, McLeod, Mackie, Manning, Measure, Metcalf, Mulholland, Padbury, Phelan, Reed, Schneider, Scott, Smith, Spiegel, Stortz, Stromnes, Tyler, Wenger. Total 35.

Passed their vote: Wood. Total 1.

Senate Amendments to House Bill No. 341 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brennan, Campbell, Chatham, Crouse, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Lasby, Leeson, Lehrkind, McClain, McKenna, Mitchell, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Shanley, Sherman, Sorte, Mr. Speaker. Total 43.

Noes: Anderson (Chouteau), Anderson (Lincoln), Burns, Chamberlain, Cusick, Dougherty, Hess, Johnson, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mulholland, Ruffcorn, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Whaley, Wood. Total 22.

Absent and not voting: Brayman, Cohen, Conner, Cruickshank, DeDobbeleer, Heavlin, Holecek, Joffray, Kelson, Kruse, Lambert, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McLeod, Mackie, Manning, Metlen, Miles, Minette, Monahan, O'Shea, Padbury, Phelan, Reed, Schneider, Scofield, Scott, Smith, Stortz, Toomey, Trandum, Waldrop, Wenger. Total 37.

Senate Amendments to House Bill No. 100 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lehrkind, Lovell, McClain, McKenna, Manning, Masterson, Measure, Metlen, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Parker, Peterson (Pondera), Phelan, Ruffcorn, Schneider, Shanley, Sherman, Toomey, Trandum, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 60.

Noes: Lambert, Lasby, Miller (Roosevelt), Nelson, Sorte, Stimatz, Tyler. Total 7.

Absent and not voting: Bloom, Brayman, Chatham, DeDobbeleer, Elliott, Goodwin, Haight, Heavlin, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Longenecker, Love, McLeod, Mackie, Metcalf, Miles, Minette, O'Connor, O'Shea, Padbury, Peterson (Sheridan), Reed, Scofield, Scott, Smith, Spiegel, Stortz, Stromnes, Wood. Total 34.

Passed their vote: Leeson. Total 1.

Senate Amendments to House Bill No. 274 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Burns, Camp-



bell, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Finnegan, Freshman, Goodwin, Hamilton, Harcastle, Hedden, Ijams, Jackson, Johnson, Lehrkind, McClain, McKenna, Manning, Masterson, Measure, Metlen, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, Phelan, Ruffcorn, Schneider, Shanley, Sherman, Spiegel, Stimatz, Toomey, Trandum, Vanek, Waldrop, Wenger, Mr. Speaker. Total 52.

Noes: Chamberlain, Haight, Lambert, Lasby, Leeson, Longenecker, Lovell, Miller (Roosevelt), Mungas, O'Shea, Parker, Peterson (Pondera), Sorte, Tyler, Whaley. Total 15.

Absent and not voting: Bloom, Brennan, Chatham, Conner, DeDobbeleer, Dougherty, Elliott, Green, Heavlin, Hess, Hoiness, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Love, McLeod, Mackie, Metcalf, Minette, O'Connor, Padbury, Peterson (Sheridan), Reed, Scofield, Scott, Smith, Stortz, Stromnes, Wood. Total 33.

Passed their vote: Brayman, Haugan. Total 2.

Senate Bill No. 124 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Harcastle, Haugan, Hess, Ijams, Jackson, Johnson, Lambert, Leeson, Lehrkind, Longenecker, Lovell, McClain, McKenna, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Sherman, Smith, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Mr. Speaker. Total 64.

Noes: Dougherty, Eggenberger, Lasby, Miles, Miller (Big Horn), O'Shea, Ruffcorn, Spiegel, Wood. Total 9.

Absent and not voting: Bloom, Brennan, DeDobbeleer, Hamilton, Heavlin, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Love, McLeod, Mackie, Manning, Minette, Mitchell, O'Connor, Padbury, Reed, Scott, Shanley, Sorte, Stortz, Stromnes, Toomey. Total 29.

Substitute Senate Bill No. 90 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Harcastle, Haugan, Hedden, Hess, Johnson, Lasby, Leeson, Lehrkind, Lovell, McClain, McKenna, Masterson, Metlen, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Sherman, Smith, Spiegel, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 66.

Noes: Lambert, Metcalf, O'Shea, Stimatz. Total 4.

Absent and not voting: Bloom, Brayman, Conner, DeDobbeleer, Hamilton, Heavlin, Hoiness, Holecek, Ijams, Jackson, Joffray, Kelson, Kruse, Lemmer, Levissee, Lippard, Longenecker, Love, McLeod, Mackie, Manning, Measure, Miller (Roosevelt), Minette, Padbury, Reed, Scott, Shanley, Sorte, Stortz, Stromnes, Whaley. Total 32.

Senate Bill No. 127 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Cruickshank, Cusick, Daly, Dougherty, Eg-

genberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Levissee, Lippard, Longenecker, McClain, McKenna, Manning, Masterson, Measure, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Sherman, Spiegel, Stimatz, Toomey, Trandum, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 68.

Noes: Conner, Jackson. Total 2.

Absent and not voting: Acher, Bloom, Campbell, Chatham, Crouse, DeDobbeleer, D'Ewart, Hamilton, Heavlin, Hoiness, Holecek, Joffray, Kelson, Kruse, Lemmer, Love, Lovell, McLeod, Mackie, Metcalf, Miller (Big Horn), Minette, Padbury, Parker, Scott, Shanley, Smith, Sorte, Stortz, Stromnes, Tyler, Vanek. Total 32.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 1:00 o'clock P. M., Sunday afternoon, February 28th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

## FIFTY-SIXTH DAY

House of Representatives,  
Helena, Montana,  
February 28th, 1937

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following who were excused: DeDobbeleer, Holecek, Kelson, Kruse, Padbury.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-fifth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: House Joint Memorial No. 5, Substitute House Bill No. 211, House Bills Nos. 199, 227, 310, 325, 331, 333, 399 and 410.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House request the Senate to return Senate Bill No. 194.

## THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length:

Senate Bill No. 193 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Goodwin, Green, Haight, Hamilton, Haugan, Hedden, Hoiness, Jackson, Joffray, Johnson, Lasby, Leeson, Levisse, Longenecker, McClain, Manning, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Vanek, Wood, Love, Mr. Speaker. Total 67.

Noes: Anderson (Lincoln), Finnegan, Freshman, Hardcastle, Lambert, Lehrkind, McLeod, Measure, Mitchell, Stimatz, Wenger. Total 11.

Absent and not voting: Conner, Crouse, DeDobbeleer, Heavlin, Hess, Holecek, Ijams, Kelson, Kruse, Lemmer, Lippard, Lovell, McKenna, Mackie, Metlen, Miles, O'Shea, Padbury, Schneider, Stromnes, Trandum, Tyler, Waldrop, Whaley. Total 24.

Senate Bill No. 150 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Johnson, Levisse, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Vanek, Wenger, Whaley. Total 66.

Noes: Brayman, Lambert, Lasby, Leeson, Lehrkind, Manning, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Peterson (Pondera), Mr. Speaker. Total 12.

Absent and not voting: Conner, Cruickshank, DeDobbeleer, Elliott, Heavlin, Holecek, Ijams, Joffray, Kelson, Kruse, Lemmer, Lippard, Lovell, Measure, Metlen, Miles, Monahan, O'Connor, Padbury, Schneider, Stromnes, Tyler, Waldrop, Wood. Total 24.

Senate Bill No. 151 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Jackson, Johnson, Levisse, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 72.

Noes: Green, Lambert, Lasby, Leeson, Lehrkind, Manning, Masterson, Miller (Roosevelt), Miller (Big Horn), Peterson (Pondera), Mr. Speaker. Total 11.

Absent and not voting: Conner, DeDobbeleer, Heavlin, Holecek, Ijams, Joffray, Kelson, Kruse, Lemmer, Lippard, Lovell, Metlen, Miles, Monahan, O'Connor, Padbury, Schneider, Stromnes, Wood. Total 19.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Cusick in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 226 be not concurred in and a conference committee be appointed in the House and a like committee be requested from the Senate.

CUSICK, Chairman.

Report adopted.

The Speaker announced the following conference committee on Senate Amendments to House Bill No. 226: Manning, Stortz and D'Ewart.

The Speaker signed the following measures in Open Session: Senate Joint Resolution No. 6, Senate Bills No. 32, 49, 60, 94, 101, 126, 129, 138, 161 and 176.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Cusick in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bills Nos. 305, 188 and 219 be concurred in.

That Senate Amendments to House Bill No. 167 be not concurred in and a conference committee be appointed in the House and a like committee be requested from the Senate.

That consideration of Senate Amendments to House Bill No. 138 be passed for the day.

That the enacting clause be stricken from House Bill No. 415.

That Senate Bill No. 54 be amended as follows: Amend Section 3, line 21, page 4, by inserting after the word "court" a comma and the words "or of the court". And as amended, be concurred in.

That Senate Bill No. 21 be not concurred in.

That Senate Bills Nos. 143, 158, 93, 123, 148, 133, 154, 98, 112, 177 and 78 be concurred in.

That consideration of Senate Bill No. 165 be passed for the day.

CUSICK, Chairman.

It was moved by Cusick, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion, it was moved by Toomey, duly seconded, that House Bill No. 415, be segregated from the report of the Committee of the Whole. A roll call was demanded by the required number. A Call of the House was also demanded and on motion of Stromnes, duly seconded and carried, further Call of the House was dispensed with. The previous question was moved by Spiegel, duly seconded and carried. Whereupon



motion by Toomey to segregate House Bill No. 415 lost by the following vote: Ayes: 24; Noes: 59; Absent: 18; Passed their vote: 1.

On substitute motion, it was moved by Toomey, duly seconded, that Senate Bill No. 21 be segregated from the report of the Committee of the Whole. A roll call was demanded by the required number. The previous question was moved by Spiegel, duly seconded and carried. Motion to segregate Senate Bill No. 21 was carried by the following vote: Ayes: 42; Noes: 41; Absent and not voting: 19.

Whereupon Committee of the Whole report was adopted as amended.

Mr. Speaker: We, your Committee on Enrolling, report the following bills correctly enrolled: House Bills Nos. 274, 288, 358, 268, 251, 365, 347, 214, 148, and House Joint Memorials Nos. 7 and 8.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bills Nos. 347 and 365, introduced by me, and find the same to be correct.

SORTE.

I have examined enrolled House Bill No. 214, introduced by me, and find the same to be correct.

LONGENECKER.

I have examined enrolled House Bill No. 148, introduced by me, and find the same to be correct.

CRUICKSHANK.

I have examined enrolled House Bill No. 251, introduced by me, and find the same to be correct.

BRENNAN.

I have examined enrolled House Bill No. 268, introduced by me, and find the same to be correct.

JOHNSON.

I have examined enrolled House Bill No. 358, introduced by me, and find the same to be correct.

FINNEGAN.

I have examined enrolled House Bill No. 274, introduced by me, and find the same to be correct.

ANDERSON (Silver Bow).

I have examined enrolled House Joint Memorial No. 8, introduced by me, and find the same to be correct.

LASBY.

I have examined enrolled House Bill No. 288, introduced by me, and find the same to be correct.

McLEOD.

I have examined enrolled House Joint Memorial No. 7, introduced by me, and find the same to be correct.

MEASURE.

The Speaker signed the following measures in Open Session: House Bills Nos. 274, 288, 358, 268, 251, 365, 347, 214, 148, House Joint Memorials Nos. 7 and 8.

The Speaker announced the following conference committee on Senate Amendments to House Bill No. 167: Ruffcorn, Schneider and Longenecker.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day, on motion duly seconded and carried, granted the request of the House for the return of Senate Bill No. 194, and bill is herewith returned.

The President of the Senate this day, on motion and at the request of the House, this day appointed the following Senators to act with a like committee from the House for the consideration of Senate Amendments to House Bill No. 226: Smith, Groff and Floor.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that the Chief Clerk be authorized and directed to make the following amendment to the title of House Bill No. 228 appearing both in the back and the body of the bill: Strike the Section No. "8093" and insert in lieu thereof "8903"—strike "8094" and insert in lieu thereof "8904"—strike "9344" and insert in lieu thereof "9341".

It was moved by Stromnes, duly seconded and carried, that Senate Bill No. 194 be placed on Third Reading.

It was moved by Toomey, duly seconded and carried, that the Senate be requested to return Senate Bill No. 174, so that same could be acted on by the Committee on State Boards and Offices, where it was referred by motion of February 27th.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Monday morning, March 1st, 1937.

H. D. ROLPH,

Speaker.

JOHN J. JEWELL, Chief Clerk.

## FIFTY-SEVENTH DAY

House of Representatives,  
Helena, Montana,  
March 1st, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except Kelson, who was excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-sixth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 104 and 298 and House Joint Memorial No. 6.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 298 introduced by me and find the same to be correct.

MILLER (Roosevelt).

I have examined enrolled House Joint Memorial No. 6 and House Bill No. 104 introduced by me and find the same to be correct.

HOLECEK.

The Speaker signed the following measures in Open Session: House Bills Nos. 298, 104 and House Joint Memorial No. 6.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 414, respectfully report as follows: That House Bill No. 414 do pass.

MANNING.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 354, 339, 160, 159 and Substitute House Bill No. 120.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 183 and 238.

The President of the Senate this day, on motion and at the request of the House, appointed the following Senators to act with a like committee from the House for the consideration of Senate amendments to House Bill No. 229: Kroman, Smith and Chapman.

The Senate this day, on roll call, concurred in the House amendments to the following: Senate Bills Nos. 153, 103 and 1.

The Senate this day adopted the report of the Joint Conference Committee on House Bill No. 144.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Burns, duly seconded, that further consideration of Senate Bill No. 21 be indefinitely postponed. On substitute motion, it was moved by Mulholland, duly seconded, that the motion of Burns be laid on the table. On substitute motion for all motions pending, it was moved by Toomey, duly seconded and carried, that Senate Bill No. 21 be referred to the Committee on Judiciary.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

Senate Bill No. 194 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Lincoln), Bjerneby, Bower, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Finnegan, Freshman, Green, Haight, Harcastle, Haugan, Hoiness, Leeson, Lehrkind, Lemmer, Lippard, Love,

Mackie, Manning, Measure, Metlen, Miller (Big Horn), Minette, Mitchell, Mungas, Phelan, Reed, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Wenger, Whaley, Wood, Mr. Speaker. Total 50.

Noes: Anderson (Phillips), Bloom, Brayman, Burns, D'Ewart, Dougherty, Eggenberger, Elliott, Goodwin, Heavlin, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Longenecker, McClain, McLeod, Masterson, Metcalf, Miles, Miller (Roosevelt), Monahan, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scofield, Scott, Tyler, Waldrop. Total 36.

Absent and not voting: Anderson (Silver Bow), DeDobbeleer, Hamilton, Hedden, Holecek, Joffray, Kelson, Levissee, Lovell, McKenna, Mulholland, Nelson, O'Connor, Stortz, Trandum, Vanek. Total 16.

Senate Bill No. 143 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Wenger, Wood, Mr. Speaker. Total 83.

Noes: None.

Absent and not voting: Bower, Chatham, Haight, Hamilton, Holecek, Joffray, Kelson, Levissee, Lovell, McKenna, Manning, Minette, O'Connor, Padbury, Smith, Stromnes, Vanek, Waldrop, Whaley. Total 19.

Senate Bill No. 158 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Longenecker, Love, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 80.

Noes: Crouse, Cruickshank, Lehrkind. Total 3.

Absent and not voting: Haight, Hamilton, Holecek, Joffray, Kelson, Levissee, Lippard, Lovell, McKenna, Manning, Miller (Big Horn), Monahan, O'Connor, Padbury, Sherman, Smith, Stromnes, Vanek, Whaley. Total 19.

Senate Bill No. 93 was concurred in by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Hedden, Hoiness, Ijams, Jackson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Love, McClain, McLeod, Mackie, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, O'Connor, Parker, Peterson (Pondera), Peterson



(Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Waldrop, Wenger, Mr. Speaker. Total 67.

Noes: Elliott, Green, Haugan, Heavlin, Hess, Johnson, Longenecker, Metcalf, Miles, Mungas, Nelson, O'Shea, Padbury, Scofield, Shanley, Smith, Stromnes, Wood. Total 18.

Absent and not voting: Alvord, Brennan, Burns, Chatham, Haight, Holecek, Joffray, Kelson, Levissee, Lippard, Lovell, McKenna, Manning, Metlen, Monahan, Vanek, Whaley. Total 17.

Speaker Pro Tem in the Chair.

Senate Bill No. 123 was concurred in by the following vote:

Ayes: Alvord, Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Goodwin, Heavlin, Hedden, Hoiness, Johnson, Kruse, Lasby, Lehrkind, Love, McClain, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Minette, Monahan, Mungas, Nelson, O'Connor, Padbury, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Scott, Sherman, Smith, Stimatz, Stortz, Toomey, Trandum, Waldrop, Mr. Speaker. Total 53.

Noes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bjerneby, Campbell, Conner, Crouse, Cruickshank, Daly, Dougherty, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Hess, Ijams, Jackson, Lambert, Leeson, Lemmer, Lippard, Longenecker, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, O'Shea, Ruffcorn, Shanley, Sorte, Spiegel, Tyler, Wenger, Wood. Total 36.

Absent and not voting: Cusick, Haight, Holecek, Joffray, Kelson, Levissee, Lovell, McKenna, Metlen, Parker, Stromnes, Vanek, Whaley. Total 13.

Senate Bill No. 148 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Cohen, Crouse, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Goodwin, Green, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, Mackie, Manning, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood. Total 68.

Noes: Anderson (Lincoln), Campbell, Freshman, Smith, Sorte, Spiegel, Stimatz. Total 7.

Absent and not voting: Acher, Chatham, Conner, Cruickshank, Cusick, D'Ewart, Finnegan, Haight, Hamilton, Heavlin, Holecek, Joffray, Kelson, Levissee, Lovell, McKenna, McLeod, Masterson, Measure, Metcalf, Metlen, Minette, Stortz, Stromnes, Vanek, Whaley, Mr. Speaker. Total 27.

Senate Bill No. 133 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan),

Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Toomey, Trandum, Tyler, Waldrop, Wenger. Total 75.

Noes: Ijams, Mulhoiland, Spiegel, Stimatz. Total 4.

Absent and not voting: Campbell, D'Ewart, Haight, Holecek, Joffray, Kelson, Lambert, Lovell, McKenna, McLeod, Manning, Masterson, Melten, Minette, O'Connor, Padbury, Scott, Stortz, Stromnes, Vanek, Whaley, Wood, Mr. Speaker. Total 23.

Senate Bill No. 154 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Toomey, Trandum, Tyler, Waldrop, Wenger. Total 75.

Noes: Anderson (Lincoln). Total 1.

Absent and not voting: Brennan, Campbell, Cusick, D'Ewart, Haight, Heavlin, Holecek, Jackson, Kelson, Lambert, Lovell, McKenna, Manning, Masterson, Measure, Metlen, Padbury, Schneider, Sherman, Stimatz, Stortz, Stromnes, Vanek, Whaley, Wood, Mr. Speaker. Total 26.

Senate Bill No. 98 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulhoiland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Toomey, Trandum, Tyler, Waldrop, Wenger. Total 77.

Noes: Anderson (Lincoln), Stimatz. Total 2.

Absent and not voting: Anderson (Silver Bow), Campbell, Conner, D'Ewart, Haight, Holecek, Kelson, Lambert, Longenecker, Lovell, Mackie, Masterson, Metlen, Minette, Padbury, Parker, Reed, Stortz, Stromnes, Vanek, Whaley, Wood, Mr. Speaker. Total 23.

Senate Bill No. 112 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Love, McClain, McKenna, McLeod, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Toomey, Trandum, Tyler, Waldrop, Wenger. Total 77.

Noes: Lambert, Shanley, Stimatz. Total 3.

Absent and not voting: Campbell, Conner, Crouse, D'Ewart, Haight, Hoiness, Holecek, Joffray, Kelson, Longenecker, Lovell, Manning, Master-son, Metlen, Miller (Big Horn), Parker, Stortz, Stromnes, Vanek, Whaley, Wood, Mr. Speaker. Total 22.

Senate Bill No. 177 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Kruse, Lehrkind, Longenecker, Love, McClain, McKenna, McLeod, Manning, Measure, Minette, Monahan, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Wenger, Wood. Total 63.

Noes: Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Mackie, Metcalf, Miller (Roosevelt), Mulholland, O'Shea, Ruffcorn, Scott, Waldrop. Total 14.

Absent and not voting: Bloom, Brennan, Campbell, Chatham, D'Ewart, Haight, Hamilton, Holecek, Joffray, Johnson, Kelson, Lovell, Masterson, Metlen, Miles, Miller (Big Horn), Padbury, Schneider, Stortz, Stromnes, Trandum, Vanek, Whaley, Mr. Speaker. Total 24.

Passed their vote: Mitchell. Total 1.

Senate Bill No. 78 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Manning, Masterson, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Sorte, Spiegel, Toomey, Trandum, Tyler, Waldrop, Wenger, Wood. Total 75.

Noes: Bloom, Lambert, Stimatz. Total 3.

Absent and not voting: Brennan, Campbell, Chatham, Cruickshank, D'Ewart, Haight, Holecek, Joffray, Kelson, Levissee, Lovell, McLeod, Measure, Metlen, Minette, Mungas, Schneider, Scott, Smith, Stortz, Stromnes, Vanek, Whaley, Mr. Speaker. Total 24.

House Bill No. 413 was passed by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brennan, Chamberlain, Chatham, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Green, Heavlin, Hedden, Hoiness, Ijams, Joffray, Johnson, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, Mackie, Metcalf, Miller (Roosevelt), Minette, Mitchell, Nelson, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Schneider, Stimatz, Stromnes, Toomey, Trandum, Tyler, Wenger, Wood. Total 49.

Noes: Anderson (Lincoln), Brayman, Cohen, Conner, Crouse, Cruickshank, Cusick, Dougherty, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Jackson, Lambert, Lasby, Lehrkind, McClain, McKenna, McLeod, Masterson, Measure, Miles, Miller (Big Horn), Monahan, Mulholland, O'Connor, O'Shea, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel. Total 36.

Absent and not voting: Acher, Burns, Campbell, Haight, Holecek, Kelson, Kruse, Lovell, Manning, Metlen, Mungas, Peterson (Pondera), Stortz, Vanek, Waldrop, Whaley, Mr. Speaker. Total 17.

Senate amendments to House Bill No. 305 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brennan, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Goodwin, Green, Hamilton, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lippard, Longenecker, Love, McClain, McKenna, Mackie, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood. Total 64.

Noes: Freshman, Hardcastle, Heavlin, Levissee, Miles, Miller (Big Horn), O'Connor, Scofield, Sherman, Smith, Stromnes. Total 11.

Absent and not voting: Bower, Brayman, Campbell, Chatham, Eggenberger, Haight, Holecek, Joffray, Kelson, Kruse, Lehrkind, Lemmer, Lovell, McLeod, Manning, Masterson, Measure, Metlen, Minette, Mungas, O'Shea, Shanley, Stortz, Trandum, Vanek, Whaley, Mr. Speaker. Total 27.

Senate Amendments to House Bill No. 188 were concurred in by the following vote:

Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Brayman, Brennan, Burns, Chamberlain, Cohen, Conner, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Hoiness, Ijams, Jackson, Lasby, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sorte, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood, Finnegan. Total 73.

Noes: Hedden, Holecek, Lambert, Sherman. Total 4.

Absent and not voting: Anderson (Silver Bow), Bower, Campbell, Chatham, Crouse, Haight, Joffray, Johnson, Kelson, Kruse, Leeson, Lehrkind, Lovell, Manning, Measure, Metcalf, Metlen, Shanley, Smith, Stortz, Stromnes, Trandum, Vanek, Whaley, Mr. Speaker. Total 25.

Senate Amendments to House Bill No. 219 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, McClain, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Sherman, Sorte, Stromnes, Toomey, Waldrop, Wenger, Wood, Jackson. Total 72.

Noes: McLeod, Miles, Mitchell, Scott, Shanley, Smith, Spiegel, Stimatz. Total 8.

Absent and not voting: Anderson (Silver Bow), Anderson (Phillips), Campbell, Cruickshank, Daly, Haight, Holecek, Joffray, Kelson, Kruse, Levi-



see, Love, Lovell, McKenna, Metlen, Stortz, Trandum, Tyler, Vanek, Whaley, Mr. Speaker. Total 21.

Passed their vote: Scofield. Total 1.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 1, 97 and 140 and Senate Joint Memorial No. 9 and Senate Joint Resolution No. 9.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

#### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Memorial No. 13, respectfully report as follows: That House Joint Memorial No. 13 do pass.

WENGER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 130 respectfully report as follows: That Senate Bill No. 130 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 76 respectfully report as follows: That Senate Bill No. 76 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 187 respectfully report as follows: That Senate Bill No. 187 be amended as follows:

Amend the title by striking out the figures "2306" in the title and in all places wherein the same appears; and insert in lieu thereof "2036".

Section 2. In Lines 23 and 26 striking out the figures "2306" and inserting in lieu thereof "2036". And as amended be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 67 respectfully report as follows: That Senate Bill No. 67 be amended as follows:

Section 1, Line 10 of the printed bill after the word "hearing" add the following: "or the Court may order notice by publication for four successive weeks and such newspaper in the County as the Court may designate." and as amended be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 84 respectfully report as follows: That Senate Bill No. 84 be amended as follows:

By striking out in the title after the word "Taxes" in line 3, the following words, "and defining priority of personal property taxes as applied to real estate and permitting payment and redemption from the lien thereof."

By striking out in lines 12 and 13 the following words, "tax on personal property lien on realty—separate assessment," and inserting in lieu thereof the following words, "Lien of Personal Property Tax." By striking out in line 14, subdivision (a) all of line 14 to line 32, inclusive, on page 1, and all of lines 1 to 32 inclusive on page 2, and all of lines 1 to 14 inclusive on page 3, and inserting in lieu thereof:

"(a) Every tax due upon personal property is a prior lien upon any or all of the personal property assessed, which lien shall have precedence over any other lien, claim or demand upon such property, or

"(b) Every tax due on personal property is a lien upon the real property of the owner thereof, from and after twelve o'clock M. of the first Monday in March in each year. And as amended be concurred in.

METLEN, Chariman.

Report adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following Bills correctly enrolled: House Bills Nos. 285, 341, 29, 202 and 228.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 285 introduced by me and find the same to be correct.

SCHNEIDER.

I have examined enrolled House Bill No. 228 introduced by me and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 202 introduced by me and find the same to be correct.

NELSON.

I have examined enrolled House Bill No. 29 introduced by me and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 341 introduced by me and find the same to be correct.

MINETTE

The Speaker signed the following measures in Open Session: House Bills Nos. 285, 341, 29, 202 and 228.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

Senate Joint Memorial No. 10 was this day read third time and passed, title and history agreed to, and same is herewith transmitted to the House for concurrence.

The following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: Substitute House Bill No. 149, House Bills Nos. 232, 303 and 340.

The Senate this day adopted the reports of the Joint Conference Committees on: Senate Bill No. 125 and Senate Joint Resolution No. 6.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Lovell, duly seconded, that the House reconsider its action on House Bill No. 415. On substitute motion, it was moved by Spiegel, duly seconded and carried, that the motion by Lovell be laid on the table.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Alvord in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 138 be not concurred in and a conference committee be appointed in the House and a like Committee be requested from the Senate.

That Senate Bills Nos. 165, 110, 40 and 178 be concurred in.

That Senate Bill No. 85 be amended as follows:

Amend Section 1 by inserting at the end of Section 1 the words "A cooperative association organized as provided in this section shall not be deemed to be a public utility as defined in Section 3881 of the Revised Codes of Montana, 1935."

Amend Section 2 by striking out in line 3 the words "or association", in line 4 strike out the words "subscribe for or", and strike out in line 9 the last sentence beginning with the words "All by-laws, etc.,"

Amend Section III by striking out in line 6 the period after the word "purpose" and inserting in lieu thereof the words "by the affirmative vote of a majority of the stockholders entitled to vote; or by the signed consent of a majority of such stockholders." and strike out in line 6 sentence beginning "An Amendment" and ending with the word "adopted" in line 11.

Amend Section IV in line 7 by inserting after the word "may" and before the word "pledge" the words "mortgage or"

Amend Section V by striking out after the word "Powers" all of line 4 down to and including the words "holders from their own number." in line 7, and inserting in lieu thereof the words "Affairs of the associations shall be managed by a board of directors the number of which, not less than three, shall be fixed by the by-laws of the association; all directors shall be elected by the stockholders from their own number and shall hold office for such term as shall be provided in the by-laws."

Amend Section 7 by changing in lines 7, 9 and 10 the words "interest" to the word "dividends"; strike out the word "dividends" in line 17 and insert in lieu thereof the words "proportionate refund based" and change the words "dividends" in lines 18, 21 and 22 to the word "refunds".

And as amended be concurred in.

That Senate Substitute to House Bill No. 154 be referred to a special committee of three or five to be appointed by the Speaker to attempt to revise and make workable Senate Substitute to House Bill No. 154.

That Senate Bills No. 92, 156 and 113 be concurred in.

That Senate Amendments to House Bill No. 339 be concurred in.

That Senate Amendments to House Bill No. 160 be indefinitely postponed.

That Senate Amendments to House Bill No. 159 be not concurred in and a conference committee be appointed in the House and a like Committee be requested from the Senate.

That Senate Amendments to House Bill No. 120 be concurred in.

That Senate Amendments to House Bill No. 354 be not concurred in.

ALVORD, Chairman.

Report adopted.

### THIRD READING

Senate Bill No. 54 having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brayman, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Eggenberger, Elliott, Freshman, Goodwin, Hardcastle, Haugan, Hedden, Hoiness, Ijams, Jackson, Johnson, Kruse, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McKenna, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Sorte, Toomey, Trandum, Wenger, Wood. Total 57.

Noes: Anderson (Lincoln), Bloom, Burns, Cusick, Finnegan, Hess, Lambert, McClain, McLeod, Mackie, Measure, Metcalf, Monahan, Mulholland, O'Shea, Peterson (Sheridan), Ruffcorn, Spiegel, Stimatz, Tyler, Waldrop. Total 21.

Absent and not voting: Brennan, Campbell, DeDobbeleer, D'Ewart, Dougherty, Green, Haight, Hamilton, Heavlin, Holecek, Joffray, Kelson, Lasby, Lovell, Manning, Metlen, Mungas, Scott, Smith, Stortz, Stromnes, Vanek, Whaley, Mr. Speaker. Total 24.

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported the following bills correctly printed: House Bills Nos. 413, 414 and 415.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration Senate Bill No. 172, respectfully report as follows: That Senate Bill No. 172 be amended as follows:

Referring to the original bill: By adding in line 3 of the title, after the words "Works Commission;" the words "Declaring the Department of Public Works to be a Body Corporate and Agency of the State of Montana." Add in line 14 after the word "Board;" the words "continuing the Corporate existence of the State Water Conservation Board;"

Add to Section 1, line 19, page 2, the paragraph: "The Department of Public Works shall be a body corporate and politic with perpetual existence and as such shall be deemed an agency of the State of Montana."

Amend Section 7, line 24, page 4, by adding after the word "jurisdiction" the words "the corporate entity of the State Water Conservation Board;" and adding at the end of the section, after line 30, the following paragraph: "The Department of Public Works is hereby authorized and directed, whenever necessary, to continue in effect and to execute all documents in the name of the State Water Conservation Board, the State Highway Commission and the State Planning Board." and as amended do pass.

MITCHELL, Chairman.

Report adopted.



The Speaker appointed the following conference Committees: On Senate Amendments to House Bill No. 138: Metcalf, Smith and Heavlin; on Senate Amendments to House Bill No. 159: Spiegel, Metlen and Kruse.

It was moved by Spiegle, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., Tuesday morning, March 2nd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

### FIFTY-EIGHTH DAY

House of Representatives,  
Helena, Montana,  
March 2nd, 1937.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.  
Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following: DeDobbeleer, Holecsek, Kelson, Kruse and Padbury.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-seventh Legislative Day, find the same to be correct.  
LIPPARD, Chairman.

Report adopted.

The Speaker announced the Special Committee to act on Senate Substitute for House Bill No. 154 as follows: Haight, Manning, Stromnes, Chamberlain and Toomey.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate Bill No. 72, respectfully report as follows: That Senate Bill No. 72 be amended to amend the amended title as follows:

In the second line of the title before the words "to acquire" insert the words "subject to a majority vote of the taxpayers in said county."

STROMNES,  
BOWER,  
REED,

For the House.

COOPER,  
CAMPBELL,  
PAGE,

For the Senate.

On motion, duly seconded, the conference committee report on Senate Bill No. 72 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chat-ham, Cohen, Conner, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Eggenberger, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Levisse, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Man-ning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schnei-der, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Trandum, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 75.

Noes: None.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Campbell, Daly, DeDobbeleer, Elliott, Finnegan, Haight, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Love, McLeod, Metlen, Monahan, Mungas, Padbury, Smith, Stortz, Stromnes, Toomey, Vanek, Whaley, Total 27.

Mr. Speaker: We, your Conference Committee, having had under consideration House Amendment on Senate Bill No. 125, respectfully report as follows: That the House recedes from House Amendment to Senate Bill No. 125.

TYLER,  
METCALF,  
CHAMBERLAIN,  
For the House.

ANDERSON,  
LIESS,  
WEINSCHROTT,  
For the Senate.

On motion, duly seconded, report of conference committee on Senate Bill No. 125 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood. Total 77.

Noes: Stimatz. Total 1.

Absent and not voting: Anderson (Lincoln), Campbell, Crouse, DeDobbeleer, Finnegan, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Love, McLeod, Manning, Metlen, Monahan, Mungas, Padbury, Smith, Stortz, Stromnes, Toomey, Whaley, Mr. Speaker. Total 24.

Mr. Speaker: We, your conference committee on House Bill No. 144, respectfully submit the following report: That the Senate recedes from the Senate amendments concerning the number of years and bond covering school clerks.

KROMAN,  
O'DAY,  
For the Senate.

HEDDEN,  
LONGENECKER,  
HAIGHT,  
For the House.

On motion, duly seconded, conference committee report on House Bill No. 144 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Levissee, Longenecker, Love, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schnei-

der, Scofield, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 76.

Noes: Lovell. Total 1.

Absent and not voting: Anderson (Lincoln), Campbell, DeDobbeleer, Elliott, Finnegan, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Lippard, McLeod, Masterson, Metlen, Mitchell, Monahan, Mungas, Padbury, Shanley, Stortz, Stromnes, Toomey, Whaley. Total 25.

Mr. Speaker: We, your Conference Committee on Senate Joint Resolution No. 6, respectfully report as follows: That the amendments by the House of Representatives be concurred in.

ALVORD,  
ANDERSON (Silver Bow),  
EGGENBERGER,  
For the House.

DRUMHELLER,  
SIMMONS,  
LARSON,  
For the Senate.

On motion, duly seconded, report of conference committee on Senate Joint Resolution No. 6 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Levisse, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Masterson, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood. Total 71.

Noes: Stimatz. Total 1.

Absent and not voting: Anderson (Lincoln), Campbell, DeDobbeleer, D'Ewart, Finnegan, Hamilton, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Lippard, McLeod, Manning, Measure, Metlen, Miles, Monahan, Mungas, Padbury, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum, Whaley, Mr. Speaker. Total 30.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Highways, having had under consideration Senate Bill No. 175, respectfully report as follows: That Senate Bill No. 175 be amended as follows:

By striking out in 'Section 1783', Line 25, after the word "office", the words "provided, however, that in no instance shall any member of said commission receive as said per diem a sum in excess of six hundred dollars (\$600.00) in any one year." And change the semicolon, after the word "office", to a period. And as amended do pass.

CUSICK, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration Senate Bill No. 191, respectfully report as follows: That Senate Bill No. 191 be amended as follows:

In Section 1, Page One, Line 14, of the original bill by striking out after the word "Montana" the following words: "with the consent of the Senate";

In Section 4, Page 3, Line 17, by striking out after the word "December" the figures "15" and inserting in lieu thereof the figure "1";

In Section 6, Page 3, Line 31, by striking out the words and figures "March 1st, 1939" and inserting in lieu thereof the words and figures "December 31, 1938";

Striking out all of Section 7.

And as amended be concurred in.

MANNING, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The request of the House for the return of Senate Bill No. 174 was this day, on motion, granted and bill is herewith returned to the House.

The following House Bills were this day recommended for non-concurrence in the Senate, and bills are herewith returned to the House: House Bills Nos. 235, 242, 335, 366 and 394.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, requests the House to return to the Senate House Bill No. 335 for further consideration.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried, that the request of the Senate for the return of House Bill No. 335 be granted.

It was moved by Spiegel, duly seconded and carried, that Substitute Senate Bill No. 182 be returned from the Committee on Insurance and placed on General Orders.

It was moved by Spiegel, duly seconded and carried, that Senate Bill No. 195 be returned from the Committee on Insurance and placed on General Orders.

It was moved by Ruffcorn, duly seconded and carried, that Senate Bill No. 86 be returned from the Committee on Revenue and Taxation and placed on General Orders.

### THIRD READING

Senate Bill No. 40, introduced by Anderson, being a constitutional amendment, and having been read three several times, was concurred in by the necessary two-thirds vote of the entire membership of the House as required by Section 9 of Article 19 of the State Constitution, and in compliance with the provisions thereof the bill is set forth in its entirety as follows:

A Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an Amendment to Sections 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana relating to the investment and administration of the Public School Permanent Fund, the other permanent funds originating in land grants from the United States



for the support of higher institutions of learning, and of other funds as separate and integral funds of the Montana Trust and Legacy Fund”.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Sections 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana be, and the same are hereby amended to read as follows:

“Section 6. (of Article XXI) The Public School Permanent Fund, the other permanent funds originating in land grants from the United States for the support of higher institutions of learning, and for other state institutions, subject to investment, shall be invested as parts of the Montana Trust and Legacy Fund; so also all other funds in the custody of any officer or officers of the State, subject to investment, that the Legislative Assembly may prescribe. The separate existence and identity of each and every fund invested and administered as a part of the Montana Trust and Legacy Fund shall be strictly maintained.

All investments belonging to the Public School Permanent Fund, except investments in state farm mortgage loans, and all investments belonging to the said land grant funds, shall be transferred to the Montana Trust and Legacy Fund at the full amounts of the unpaid balances of such investments.

Section 7. (of Article XXI) The State shall accept for investment and administration as parts of the Montana Trust and Legacy Fund, sinking funds, permanent funds, cumulative funds and trust funds belonging to or in the custody of any of the political subdivisions of the State when requested to do so by the governing board of such political sub-division, subject, however, to such limitations as the Legislative Assembly may prescribe. The Legislative Assembly may provide for the investment and administration as a part of the Montana Trust and Legacy Fund of any other fund subject to its power.

Section 8. (of Article XXI) The Montana Trust and Legacy Fund shall be safely and conservatively invested in public securities within the state, as far as possible, including school district, county and municipal bonds, and bonds of the State of Montana; but it may also be partly invested in bonds of the United States, bonds fully guaranteed by the United States as to principal and interest, and Federal Land Bank bonds. All investments shall be limited to safe loan investments bearing a fixed rate of interest. In making long term investments preference shall be given to securities payable on the amortization plan or serially. The Legislative Assembly may provide additional regulations and limitations for all investments from the Montana Trust and Legacy Fund.

All existing constitutional guarantees against loss or diversion applying to the public school fund, to the funds of the State University and to the funds of all other state institutions of learning, shall remain in full force and effect.

Section 9. (of Article XXI) On the last day of March, of June, of September and of December of each year, the State Treasurer shall apportion all interest collected for the Montana Trust and Legacy Fund during the three month period then terminating to all the separate and integral funds which constitute such fund on the day of such apportionment and which constituted parts of the fund on the first day of the three month period then terminating. The bases of apportionment shall be the average amount of each fund between the first day and the last day of the three month period.

Section 10. (of Article XXI) The State Treasurer shall keep all deposits of money belonging to the Montana Trust and Legacy Fund separate and distinct from other deposits of money in his keeping.

Section 11. (of Article XXI) All money in any of the separate and integral funds constituting the Montana Trust and Legacy Fund and the interest apportioned therefrom, shall be subject to payment to the person, institution or other entity entitled thereto, without appropriation by the Legislative Assembly, upon proper authorization as provided by law."

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1938, which shall have printed thereon under the heading "Proposed Amendment to Sections 6, 7, 8, 9, 10 and 11 of Article XXI of the Constitution of the State of Montana" all of the said Sections 6, 7, 8, 9, 10 and 11 as amended by this act. There shall also be printed on the official ballots following the said sections the following:

☐

For the foregoing amendment to the Constitution.

☐

Against the foregoing amendment to the Constitution.

The elector shall indicate his preference by marking X before the proposition for which he desires to vote.

Section 4. That the votes cast for and against this proposed amendment shall be canvassed, determined and declared as provided by law.

Section 5. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 6. That this Act shall be in full force and effect from and after its passage and approval by the Governor.

Senate Bill No. 40 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Strommes, Toomey, Trandum, Tyler, Vanek, Waldrop, Wood, Mr. Speaker. Total 88.

Noes: Smith, Wenger. Total 2.

Absent and not voting: Anderson (Lincoln), Campbell, DeDobbeleer, Finnegan, Holecek, Johnson, Kelson, Monahan, Mungas, Padbury, Peterson (Pondera), Whaley. Total 12.

The following bills having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 165 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Chamberlain, Cohen, Conner, Crouse, Daly, D'Ewart, Dougherty, Eggenberger, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer,

Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 73.

Noes: Burns, Green, Mackie, Measure, Metcalf, Monahan, Vanek, Whaley. Total 8.

Absent and not voting: Anderson (Lincoln), Campbell, Chatham, Cusick, DeDobbeleer, Elliott, Finnegan, Haight, Heavlin, Holecek, Jackson, Kelson, Levissee, Minette, Mungas, Padbury, Peterson (Pondera), Stortz, Stromnes, Trandum, Cruickshank. Total 21.

Senate Bill No. 110 was not concurred in by the following vote:

Ayes: Acher, Bjerneby, Bower, Conner, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Haight, Haugan, Heavlin, Hedden, Hoiness, Jackson, Joffray, Kruse, Lasby, Lehrkind, Lippard, Longenecker, Love, Manning, Masterson, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Monahan, O'Connor, Phelan, Reed, Ruffcorn, Scofield, Shanley, Smith, Sorte, Toomey, Wenger, Wood. Total 42.

Noes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Brayman, Burns, Chamberlain, Cohen, Cusick, Goodwin, Green, Hardcastle, Hess, Ijams, Johnson, Lambert, Leeson, Lemmer, Lovell, McClain, McKenna, McLeod, Mackie, Measure, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Scott, Sherman, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Schneider, Mr. Speaker. Total 44.

Absent and not voting: Anderson (Lincoln), Brennan, Campbell, Chatham, Crouse, DeDobbeleer, Finnegan, Hamilton, Holecek, Kelson, Levissee, Mungas, Padbury, Stromnes, Trandum, Freshman. Total 16.

## MOTIONS AND RESOLUTIONS

House Resolution. Introduced by Hedden, Kruse, Manning, Monahan, Toomey.

WHEREAS, the Select Committee appointed by the House of Representatives of the 25th Legislative Assembly to investigate the State Board of Equalization has heretofore rendered its report to the House and such report and the recommendations therein were unanimously approved by the House in Executive Session on February 24, 1937: and among other matters therein the House requested and instructed the Governor of Montana as follows:

"That the said Governor of Montana be and he is hereby requested and instructed by the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana to initiate on or before March 31, 1937 and thereafter diligently prosecute to conclusion the proper statutory proceedings for determination of the right of John J. Green to remain in his office as a member of the State Board of Equalization, the Governor having full power and authority in the premises, and this report warranting such action, the basis for such proceedings to be (a) the persistent refusal to file 1935 income tax return until long after the same was due by law. (b) Inattention to and neglect of public duty due to intoxication on duty. (c) And upon such other grounds as this report or other knowledge or information may seem to the Governor to warrant to the end that such proceeding be all inclusive. That the Attorney General of Montana be and he is hereby instructed to gather all evidence with relation to such matters, painstakingly, and prosecute the case with vigor in vindication of the laws of Montana."

And on March 1, 1937 the Governor made reply to such request as follows:

"To the Honorable H. D. Rolph,  
Speaker of the House of Representatives,  
Helena, Montana.

My Dear Mr. Speaker:

I beg to acknowledge receipt of the report of the House Special Committee, appointed to investigate the operations and personnel of the State Board of Equalization, and the recommendations contained in said report.

I have studied this report and the recommendations, and in applying it to the constitution of the State I beg to call your attention to the fact that the State Board of Equalization is a Constitutional creation, and the members of that Board are Constitutional officers. Under the constitutional provisions I have no authority to act as suggested in your report.

Respectfully submitted,

(s) ROY E. AYERS, Governor."

And it now appearing to the House that there is a very substantial legal question as to whether impeachment is the exclusive mode of removal of members of said State Board of Equalization, and that in any event the process of impeachment is costly and in the present instance may cause an expenditure of public funds as high as Twenty-five thousand dollars in each case and the matters found and contained in the report clearly warrant that the members of this House and the duly constituted officers of the State should first exhaust every lawful means of effective removal of the members of said Board hereinafter named without the burden and expense of impeachment and the process of impeachment should be resorted to, in protection of the State and its citizens, only because the same is beyond question the exclusive remedy; and it is the sense of the House on further mature consideration that the matters found in said report warrant the same proceedings with reference to member Sam D. Goza on the basis of neglect of duty, as were heretofore ordered with respect to member John J. Greene; that the said persons now constituting the members of said Board now subject to removal from office.

NOW THEREFORE BE IT RESOLVED: by the House of Representatives of the Twenty-fifth Legislative Assembly that the Honorable Roy E. Ayers, Governor of Montana, be and he is hereby respectfully requested and instructed by the House forthwith this second day of March 1937 to request the unconditional separate resignation of John J. Greene and Sam D. Goza as members of the State Board of Equalization of the State of Montana, and direct each thereof to make unequivocal answer to such request before four o'clock P. M. on Tuesday, March 2, 1937, and advise this House with respect hereto before five o'clock P. M. on Tuesday March 2, 1937.

On motion of Hedden, duly seconded and carried, the above resolution was adopted.

It was moved by Toomey, duly seconded and carried, that the instruction contained in the resolution just adopted be carried out by the Speaker and the Chief Clerk.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 178 was concurred in by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, Dougherty, Eggenberger, Elliott,



Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Manning, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Nelson, O'Connor, O'Shea, Parker, Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Smith, Spiegel, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 74.

Noes: Joffray, Mackie, Peterson (Sheridan), Sorte, Stimatz. Total 5.

Absent and not voting: Acher, Alvord, Anderson (Phillips), Anderson (Lincoln), Campbell, Cusick, DeDobbeleer, D'Ewart, Holecek, Kelson, Kruse, Lambert, Levissee, Masterson, Measure, Monahan, Mungas, Padbury, Peterson (Pondera), Schneider, Shanley, Stortz, Trandum. Total 23.

Senate Bill No. 85 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Joffray, Lasby, Kruse, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stromnes, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: Cohen, Goodwin, Ijams, Miller (Big Horn). Total 4.

Absent and not voting: Anderson (Lincoln), Campbell, Conner, Cusick, D'Ewart, Hardcastle, Holecek, Johnson, Kelson, Lambert, Levissee, Lovell, Metcalf, Metlen, Mungas, Smith, Stortz, Trandum. Total 18.

Senate Bill No. 92 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McKenna, McLeod, Manning, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 75.

Noes: Anderson (Lincoln), Burns, Ijams, McClain, Nelson, Stimatz. Total 6.

Absent and not voting: Brennan, Campbell, Cusick, D'Ewart, Holecek, Joffray, Johnson, Kelson, Kruse, Lippard, Love, Mackie, Measure, Metcalf, Metlen, Minette, Mungas, Reed, Schneider, Stromnes, Trandum. Total 21.

Senate Bill No. 156 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Miles, Miller

(Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stortz, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood, Dougherty, Mr. Speaker. Total 80.

Noes: Stimatz, Stromnes. Total 2.

Absent and not voting: Anderson (Silver Bow), Anderson (Lincoln), Brennan, Campbell, Chatham, Cusick, D'Ewart, Holecek, Johnson, Kelson, Levissee, Love, Metcalf, Metlen, Minette, Mungas, Reed, Sherman, Trandum, Tyler. Total 20.

Senate Bill No. 113 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Johnson, Kruse, Lambert, Leeson, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Manning, Metlen, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 71.

Noes: Lasby, Mackie, Masterson, Measure, Miller (Big Horn), O'Connor, O'Shea, Padbury, Smith, Vanek. Total 10.

Absent and not voting: Anderson (Silver Bow), Anderson (Lincoln), Bloom, Campbell, Crouse, Cusick, D'Ewart, Haight, Holecek, Jackson, Joffray, Kelson, Lehrkind, Metcalf, Miles, Minette, Mungas, Reed, Schneider, Stromnes, Trandum. Total 21.

Senate Amendments to House Bill No. 120 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Cruickshank, Daly, DeDobbeleer, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Leeson, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Stortz, Toomey, Vanek, Waldrop, Wenger, Whaley, Wood. Total 72.

Noes: Lasby, Stimatz. Total 2.

Absent and not voting: Anderson (Lincoln), Bloom, Campbell, Conner, Crouse, Cusick, D'Ewart, Dougherty, Eggenberger, Hamilton, Holecek, Joffray, Kelson, Kruse, Lehrkind, Longenecker, McKenna, Manning, Minette, Mulholland, Mungas, O'Connor, Reed, Schneider, Stromnes, Trandum, Tyler, Mr. Speaker. Total 28.

Senate Amendments to House Bill No. 339 were concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Burns, Chamberlain, Chatham, Cohen, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Leeson, Lemmer, Levissee, Longenecker, Love, Lovell, McClain, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big

Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Sorte, Spiegel, Stimat, Stortz, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood. Total 77.

Noes: None.

Absent and not voting: Anderson (Chouteau), Anderson (Lincoln), Brayman, Brennan, Campbell, Conner, Crouse, Cusick, DeDobbeleer, Holecek, Joffray, Kelson, Kruse, Lasby, Lehrkind, Lippard, McKenna, Metlen, Mungas, Reed, Scott, Stromnes, Toomey, Trandum, Mr. Speaker. Total 25.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 117, 132, 7, 65, 96 and Substitute Senate Bill No. 81.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on State Boards and Offices, having had under consideration Senate Bill No. 174, respectfully report as follows: That Senate Bill No. 174 be concurred in.

MITCHELL, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 243, 326 and 330.

The following House Bills were this day recommended for non-concurrence by the Senate, and bills are herewith returned to the House: House Bills Nos. 1, 42, 53, 157, 170, 161, 174, 177, 207, 231, 234, 250, 248, 267, 283 and 361.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate Amendments: House Bills Nos. 102, 40, 209, 38, 111, 80, 166, 196, 218, 233, 263, 344, House Joint Resolution No. 3, House Joint Memorial No. 11 and Substitute House Bill No. 156.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Masterson, duly seconded and carried, that the House request the Senate to return Senate Joint Memorial No. 10.

It was moved by O'Connor, duly seconded and carried by a two-thirds majority, that the House Rules be suspended so that Senate Joint Memorial No. 10 may be introduced.

It was moved by Metcalf, duly seconded and carried, that the House go into Executive Session to reconsider its action on the resolution adopted regarding the State Board of Equalization.

The following motions were made in Executive Session:

It was moved by Metcalf, duly seconded, that the name of Sam D. Goza and all reference thereto be stricken from the resolution.

On substitute motion, it was moved by Stromnes, duly seconded, that the resolution be indefinitely postponed. Motion was lost. Whereupon motion by Metcalf, to delete the name of Sam D. Goza and all reference thereto from the resolution was carried.

It was moved by Metcalf, duly seconded, that the resolution be adopted as amended. On substitute motion, it was moved by Mitchell, duly seconded, that the resolution be indefinitely postponed. Motion was lost. Whereupon the resolution was adopted as amended.

It was moved by Hedden, duly seconded and carried, that the Chief Clerk be instructed to deliver the resolution as amended, to the Governor.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Metcalf in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bills Nos. 84, 67, 130, 76 and 187 be concurred in.

That Senate Bill No. 86 be amended as follows: Amend Section 1 of the engrossed bill by adding after the word "robes" the following: "all land, town and city lots, with improvements to the value of twenty-five hundred dollars (\$2500.00) when used for homestead purposes." and as amended be concurred in.

That Senate Amendments to House Bills Nos. 344, 38, 212, 111, 196, 102, be not concurred in and that conference committees be appointed in the House and like committees requested from the Senate.

That Senate Amendments to House Bills No. 80, 233 and 263 be concurred in.

That Senate amendments to House Bills Nos. 156, 40, 209, be concurred in.

That Senate Bill No. 172 be amended as follows: Amend Section 4 by striking out commencing in line 1 "be a graduate of an Engineering" etc. and to and including the word "shall" in line 4. And as amended be concurred in.

That Senate Amendments to House Joint Resolution No. 3 be concurred in.

That Senate Amendments to House Joint Memorial No. 11 be concurred in.

That Senate Amendments to House Bill No. 166 be not concurred in and a conference committee be appointed by the House and a like committee requested from the Senate.

METCALF, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried,



requests the House to return to the Senate for further consideration: House Bills Nos. 394, 234 and 1.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that the House grant the request of the Honorable Senate for the return of House Bills Nos. 1, 234 and 394.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following House Bills correctly enrolled: House Bills Nos. 350, 188, 219, 305, 238, 183, 140, 100.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 140, introduced by me, and find the same to be correct.

METLEN.

I have examined enrolled House Bill No. 238, introduced by me, and find the same to be correct.

SCOTT.

I have examined enrolled House Bill No. 305, introduced by me, and find the same to be correct.

HAIGHT.

I have examined enrolled House Bill No. 350, introduced by me, and find the same to be correct.

MANNING.

I have examined enrolled House Bill No. 188, introduced by me, and find the same to be correct.

BRENNAN.

I have examined enrolled House Bill No. 219, introduced by me, and find the same to be correct.

GOODWIN.

I have examined enrolled House Bill No. 100, introduced by me, and find the same to be correct.

SHERMAN.

I have examined enrolled House Bill No. 183, introduced by me, and find the same to be correct.

SORTE.

The Speaker signed the following measures in Open Session: House Bills Nos. 140, 238, 305, 188, 219, 350, 183 and 100.

### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Conference Committee, having had under consideration Senate engrossed House Bill No. 226, respectfully report as follows: That Senate engrossed House Bill No. 226 be amended as follows:

Amend Section II, page 2, in line 1 after the word "Governor" by inserting the following words "with the advise and consent of the Senate,".

Amend Section VII, page 7, line 1, after the word "for" strike out the following words "the last ten years immediately preceding the passage of this Act", and insert in lieu thereof the following words "five

years during the nine years immediately preceding application and has resided within the State of Montana continuously for one year immediately preceding application.”.

Amend Section X, page 8, subsection (b), by striking all of this subsection and insert in lieu thereof the following words which shall be subsection (b): “Each County Board shall select and appoint, from a list as qualified by the State Department such staff personnel as are necessary. The staff personnel in each County shall consist of at least one qualified staff worker (or investigator) and such clerks and stenographers as may be decided necessary by the County Board. If conditions warrant, the County Board, with the approval of the State Department, may appoint one of the local staff of Public Assistance workers in a supervisory capacity. The staff personnel of each County Department are directly responsible to the County Board, but the State Department shall have the authority to supervise such county employees in respect to the efficient and proper performance of their duties. Public assistance staff personnel attached to the County Board shall be paid from State Public Welfare funds. One-half of the administrative cost of the County Department shall be reimbursed to the State Treasurer by the county in accordance with the terms of this Act.”

Amend Section XI, page 9 by adding a new subsection to be known as subsection (b) which shall read as follows: “(b) It is hereby made the duty of the Board of County Commissioners in each county to levy the six mills required by law for the poor fund and to budget and expand so much of the funds in the county poor fund for all purposes of this Act as will enable the County Welfare Department to meet its proportionate share of such assistance granted in the county, and the county budget shall make provision therefor and an account shall be established for such purpose.

If the six mill levy shall prove inadequate to meet the county's proportionate share of Public Assistance under any Part of this Act and if the County Board of Commissioners is unable to declare an emergency for the purpose of providing additional funds, and if an audit by the State Examiner's office proves this condition to be true and that the County Board has expended its Poor Fund only for the purposes levied, then such proportion of its Public Assistance as the County is unable to meet shall be paid from the State Public Welfare Fund.”

Amend Part I, page 11 by adding after Section XV a new section to be numbered Section XVI which shall read as follows and renumber all other sections of Part I consecutively: “Section XVI. Approval or Denial Signatures. Approved or denied applications for assistance under this Act shall be signed by the Chairman and one other member of the County Board. In the event that the State Board may require all such actions to be reviewed and receive the final approval or disapproval of the State Department, the State Board shall designate certain executive officers of the State Department who shall sign such State Department approvals or disapprovals.”

Amend Section VI of Part II, page 14 by adding at the end of the section a new sentence which shall read as follows: “Medical” or “medicine” as used in this act refers to the healing art as practiced by licensed practitioners.”

Amend Part II, page 14 by adding a new section to be known as Section VII which shall read as follows and renumber the following sections consecutively: “Section VII. Primary Obligations of the Board of County Commissioners. It is hereby declared to be the primary legal duty and financial obligation of the Board of County Commissioners to make such tax levies and to establish such budgets in the county poor fund as provided by law and as are necessary to provide adequate institutional care for all such indigent residents as are in need of institutional care and to make such tax levies and establish such budgets in the

county poor fund as are necessary to make provision for medical aid and services and hospitalization for all indigent county residents. All such public assistance and services shall be charges against and payable from the county poor fund."

Amend Section VIII in Part II, pages 14 and 15 by striking all of Section VIII and insert in lieu thereof the following which shall be known as Section IX: "Grants from State Funds to Counties. The State Public Welfare Department shall have the authority to require as a condition of grants from state funds to counties for relief purposes that the Board of County Commissioners shall make such tax levies and establish such budgets as are needed in respect to the public assistance situation in the county, not otherwise prohibited by law. The State Department of Public Welfare shall also have the authority to require as a condition of grants from state funds to the counties that the County Board of Commissioners shall make no transfers from the county poor fund or charges against the county poor fund for purposes other than for which the county poor fund is established by law, and it is hereby made mandatory upon the Board of County Commissioners that taxes levied and collected for the county poor fund shall be expended only for the purposes levied.

It shall be within the authority of the State Department of Public Welfare to make grants-in-aid from state funds to the County Departments of Public Welfare for general relief purposes in proportion to the financial inability of the county to provide for relief assistance to its own residents.

It is hereby also declared to be the legal and financial responsibility of the Board of County Commissioners to provide adequate relief to persons in need of the same according to standards established by the State Department of Public Welfare and to the extent that county funds are available.

To meet emergency conditions that may arise within the county the Board of County Commissioners is hereby empowered to declare an emergency and to make additional levies and transfers from other funds, as now provided by law."

Amend Part VII, page 33, Section II, line 1 by inserting after the figures "335" the word "inclusive"

Amend Section IV of Part VII on page 33 by adding at the end of the section the following words "or in violation of the Constitution of the State of Montana or in conflict with the Federal Social Security Act or any rules, regulations supplementary or amendatory thereof".

Amend Section III, page 34 in Part VIII by adding two paragraphs which shall read as follows: "From the general appropriation for the Public Welfare Act, the State Department shall be provided with an imprest fund of Five Hundred Thousand Two Hundred and Fifty Dollars (\$500,250.00), quarterly, for which it will be responsible and liable. The imprest fund will be divided among such specific accounts as may be necessary or desirable for the State Department to establish.

As payments of grants and administrative costs are made from this imprest fund, it shall be replenished from the Public Welfare Fund by the State Treasurer, upon presentation of claims prepared by the State Welfare Department and approved by the State Board of Examiners and covered by warrants issued by the State Auditor, and the State Treasurer is hereby directed to disburse the monies appropriated by the Act upon such warrants."

Amend Part VIII on pages 34 and 35 by striking all of Section IV and renumber the following sections consecutively.

Amend Section V, Part VIII on page 35 in subsection (6) by changing the appropriation for General Relief from \$692,000 to \$600,000.

Amend said section further by striking out all of subsection (7) on page 36.

Amend Part VIII by adding a new section to be known as Section V which shall read as follows: "Transfer of Funds from Specific Accounts. It is hereby provided that such sum of any specific Account as shall not be needed for the purpose for which the Account is earmarked may be transferred back to the Public Welfare Fund and used in such other forms of Public Assistance as may be needed and necessary and as the State Board of Public Welfare may determine."

The House accedes to the Senate Amendments made to said engrossed House Bill No. 226 in the Committee of the Whole in the Senate and as amended be concurred in.

D'EWART,  
MANNING,  
For the House.

SMITH,  
FOOR,  
GROFF,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on House Bill No. 226, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Haight, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Joffray, Johnson, Kruse, Lehrkind, Lemmer, Lippard, Longenecker, Love, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Scofield, Shanley, Sherman, Smith, Sorte, Stromnes, Toomey, Trandum, Tyler, Wenger, Wood, Mr. Speaker. Total 60.

Noes: Anderson (Lincoln), Bloom, Brayman, Burns, Chamberlain, Cruickshank, Cusick, Daly, DeDobbeleer, Finnegan, Hess, Holecsek, Lambert, Lasby, Leeson, Lovell, McClain, McLeod, Mackie, Measure, Metcalf, Miller (Big Horn), Monahan, Mulholland, Nelson, Peterson (Pondera), Ruffcorn, Scott, Spiegel, Stimatz, Stortz, Vanek, Waldrop, Whaley. Total 34.

Absent and not voting: Bower, Green, Hamilton, Kelson, Levisee, McKenna, Mungas, Schneider. Total 8.

Mr. Speaker: We, the majority of your Special Committee to which was referred Substitute for House Bill No. 154, with special instructions, respectfully report as follows:

(1) That said bill be placed on General Orders and considered on its merits as a W. P. A. cooperation measure.

(2) That for the purpose of exhausting every possibility of working out a plan of cooperation with W. P. A. House Bill No. 415 be revived by a two-thirds vote authorizing suspension of the rules for further consideration of the said House Bill No. 415.

TOOMEY,  
STROMNES,  
MANNING.

Mr. Speaker: We, the minority of your Special Committee to which was referred Senate Substitute for House Bill No. 154, respectfully report that in as much as the bill was drawn for the specific purpose of taking



care of the W. P. A. in the state, recommend that it be placed on General Orders as printed.

HAIGHT,  
CHAMBERLAIN.

It was moved by Toomey, duly seconded, that the report of the Majority be adopted. On substitute motion, it was moved by Haight, duly seconded, that the report of the Minority be adopted. After considerable discussion, the previous question was moved by McLeod, duly seconded and carried. A roll call was demanded by the required number, and motion to adopt the Minority report carried by the following vote: Ayes: 49, Noes: 45, Absent and not voting: 6, Passed their vote: 2.

#### MESSAGE FROM THE GOVERNOR

To the Honorable H. D. Rolph,  
Speaker of the House of Representatives,  
Helena, Montana.

Dear Mr. Speaker: Upon receipt of House Resolution No. 11 this morning I complied therewith and requested as therein provided, the resignations of the Honorable John J. Greene and the Honorable Sam D. Goza, members of the State Board of Equalization; thereafter, I received a supplemental resolution from your Honorable Body withdrawing the name of Sam D. Goza from the Resolution, and thereupon I immediately recalled from Mr. Goza my request for his resignation which had been made pursuant to the original Resolution.

I respectfully now report to you, in pursuance of said Resolution that Mr. Goza has returned to me the request for his resignation, and I have before me the following letter from Mr. Greene.

"I am in receipt of your letter complying with the House Resolution asking for my resignation as Member of the State Board of Equalization. In reply thereto have to advise that I respectfully decline to comply with your request.

Yours very truly,  
/s/ JOHN J. GREENE"

Now, in obedience to said Resolution, you will consider this as my report to you.

Respectfully submitted,  
/s/ RÖY E. AYERS, Governor.

#### MOTIONS AND RESOLUTIONS HOUSE RESOLUTION

WHEREAS under and by virtue of House Resolution No. 3, introduced and adopted by the House of Representatives of the Twenty-fifth Legislative Assembly on the twenty-first day of January, nineteen hundred thirty-seven the appointment of the committee composed of five members of the House, by the Speaker of the House, to make and conduct such investigation as it deems advisable within the purview of said resolution for the determination of the true facts relative to the administration of the State Board of Equalization of all of its affairs, business, actions, etc., was authorized and directed, and

WHEREAS pursuant to said resolution a committee was duly appointed and after making inquiry as provided for and directed therein has returned to this House of Representatives in regular session a report of their findings of such investigation, and

WHEREAS the said report with all accompanying exhibits and the record of the said inquiry has been considered by the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana in regular session and the same shows or tends to show that

John J. Greene, member of the said State Board of Equalization, has been and is guilty of high crimes, misdemeanors and malfeasance in office.

NOW THEREFORE, BE IT RESOLVED that John J. Greene, a member of the State Board of Equalization of the State of Montana be and he is hereby impeached of high crimes, misdemeanors and malfeasance in office.

AND BE IT FURTHER RESOLVED that the House of Representatives take any and all action as is provided by law for carrying this resolution into effect.

It was moved by Toomey, duly seconded, that the above resolution be adopted. Resolution was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Nelson, O'Connor, Reed, Ruffcorn, Scofield, Sherman, Smith, Spiegel, Stimatz, Stortz, Toomey, Trandum, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 68.

Noes: Brennan, Campbell, Conner, Hamilton, Heavlin, Ijams, Lehrkind, McLeod, Masterson, Metlen, Minette, Mitchell, O'Shea, Peterson (Pondera), Shanley, Sorte, Stromnes, Vanek. Total 18.

Absent and not voting: Chatham, Eggenberger, Goodwin, Green, Kelson, Levissee, Mungas, Schneider. Total 8.

Passed their vote: Mackie, Mulholland, Padbury, Parker, Peterson (Sheridan), Phelan, Scott, Tyler. Total 8.

The following conference committees were appointed by the Speaker:

Senate Amendments to House Bill No. 38, Metlen, Masterson and Scofield.

Senate Amendments to House Bill No. 344, Holecek, Elliott and Eggenberger.

Senate Amendments to House Bill No. 212, Cusick, Anderson (Phillips) and Love.

Senate Amendments to House Bill No. 111, Schneider, Hoiness and Alvord.

Senate Amendments to House Bill No. 196, Joffray, Hoiness and Minette.

Senate Amendments to House Bill No. 102, Conner, Ruffcorn and Kruse.

Senate Amendments to House Bill No. 166, Anderson of Chouteau, Mackie and Leeson.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:45 o'clock P. M.

#### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Joint Memorial No. 13 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 21 respectfully report as follows: That Senate Bill No. 21 be amended as follows:

Section 1: Amend Section 1 by striking from Line 2 the words "except as otherwise provided by special provisions of law."

Section 2: By striking out the period at the end thereof and inserting in lieu thereof a comma and the following language: "or any two or more of such causes or grounds for removal. The word "officer" means any civil executive officer appointed by the Governor."

Section 3: By striking out in Line 3 the words "of which the person against whom charges are filed in office" and inserting in lieu thereof the words "for and under which the office is established and occupied by the accused." By amending Line 6 by inserting after the word "counsel" a period and changing the letter "a" to a capital letter "A".

Section 6: By striking out in line 6 the words "appeal to" and inserting in lieu thereof the words "review in." Also in Line 6 the word "in" and inserting in lieu thereof the word "from". Also in Line 6 by striking out the words "is elected" and inserting in lieu thereof "was appointed."

Amend Line 7 by inserting after the word "thereafter" the word "in" and changing the period after the word "Court" to a comma and adding the words "as provided by law and herein."

Section 6A: Striking out Section 6A and adding at the end of Section 6 the following: "The complainant or the accused, if aggrieved by the Governor's decision, shall have the right to review the same in the District Court and thereafter on appeal to the Supreme Court, providing such review proceedings are commenced at the District Court within twenty (20) days after receiving notice by registered mail of decision by the Governor. The appeal must be taken to the Supreme Court within twenty (20) days after receiving notice of decision of the District Court, but nothing herein contained shall prevent either the District Court or the Supreme Court from extending the time within which the record on review or appeal may be certified or perfected as in other cases.

Section 7: By striking out in Lines 3 and 4 "proceeding of the". By striking out in Line 7 all of the last sentence thereof.

Section 8: By inserting after the word "Governor" in Line 4 the words "or a cash deposit in said sum" and by striking out all of that portion of said section after the word "state" in Line 5.

Section 11: By striking out in Line 3 the word "to" and inserting in lieu thereof the word "of".

Section 12: By striking out of Lines 1 and 2 the words "or State employee" and the letters "ing" in the word "conducting" and by changing the period at the end of Section 12 to a comma and adding thereon "or by the Complainant or his bondsmen, or out of the cash deposit as ordered by the Governor, or both."

Section 13: Striking out Section 13 and renumbering all subsequent sections accordingly.

Section 14: By striking out of Line 5 of present Section 14 which will become Section 13, the words "or County" inserting a comma after "officer", striking out the words "as the case may be" and inserting in lieu thereof "as herein provided."

And as amended be concurred in.

STROMNES, Chairman.

Report adopted.

## MESSAGES FROM THE GOVERNOR AND SENATE

Honorable H. D. Rolph, Speaker,  
House of Representatives,  
Helena, Montana,

Sir: I have the honor to advise you that I have today approved House Bill No. 202, relating to grades of potatoes and adding a new subdivision to Section 3633.4 of the Revised Codes of Montana of 1935.

Respectfully submitted

ROY E. AYERS, Governor.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President of the Senate this day, on motion and at the request of the House, appointed the following Senators to act as a Conference Committee with a like committee from the House for the consideration of Senate amendments to House Bill No. 167: Plank, Lamp and Starks.

I am also directed to inform your Honorable Body that the Senate this day on roll call concurred in the House amendments to Senate Bill No. 54.

Also that the following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: Substitute House Bill No. 107 and House Bills Nos. 301, 362 and 372.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

## MOTIONS AND RESOLUTIONS

It was moved by Stimatz, duly seconded, that the House reconsider its action on House Bill No. 160. On substitute motion, it was moved by Stromnes, duly seconded and carried, that the motion of Stimatz be indefinitely postponed.

## THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 67 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 83.

Noes: Lambert. Total 1.

Absent and not voting: Bjerneby, Brennan, Freshman, Goodwin, Heavlin, Holecek, Joffray, Kelson, Love, Manning, Minette, Mungas, Sherman, Smith, Stortz, Toomey, Trandum, Whaley. Total 18.

Senate Bill No. 187 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns,



Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Mackie, Measure, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Smith, Sorte, Stortz, Toomey, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 76.

Noes: McLeod, Mulholland, O'Connor, O'Shea, Shanley, Spiegel, Stimatz, Stromnes. Total 8.

Absent and not voting: Bjorneby, Brennan, Cusick, Freshman, Goodwin, Heavlin, Holecek, Joffray, Kelson, Manning, Masterson, Metlen, Mitchell, Mungas, Reed, Sherman, Trandum, Whaley. Total 18.

Senate Bill No. 84 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Finnegan, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Longenecker, McKenna, McLeod, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Spiegel, Stortz, Toomey, Tyler, Wenger, Wood. Total 71.

Noes: Ijams, Levissee, Lippard, Love, Lovell, Mackie, Miller (Big Horn), O'Connor, O'Shea, Sorte, Stimatz, Vanek, Waldrop, Mr. Speaker. Total 14.

Absent and not voting: Bjorneby, D'Ewart, Eggenberger, Freshman, Goodwin, Haight, Holecek, Joffray, Kelson, McClain, Manning, Mungas, Sherman, Smith, Stromnes, Trandum, Whaley. Total 17.

Senate Bill No. 76 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 80.

Noes: Anderson (Lincoln), Conner, Lasby, McLeod, Miles, Peterson (Pondera), Shanley. Total 7.

Absent and not voting: Bjorneby, Campbell, Cusick, Freshman, Goodwin, Joffray, Kelson, Love, Minette, Mungas, Sherman, Stromnes, Trandum, Vanek, Whaley. Total 15.

Senate Bill No. 130 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton,

Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sorte, Stimatz, Toomey, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 78.

Noes: Bloom, Lasby, Levissee, Measure, Padbury, Smith, Spiegel. Total 7.

Absent and not voting: Anderson (Lincoln), Bjerneby, Campbell, Conner, D'Ewart, Goodwin, Joffray, Kelson, Love, Metcalf, Mungas, Sherman, Stortz, Stromnes, Trandum, Vanek, Whaley. Total 17.

Senate Bill No. 172 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Elliott, Freshman, Haight, Hamilton, Hardcastle, Heavlin, Hess, Hoiness, Holecek, Ijams, Jackson, Lambert, Lasby, Leeson, Lehrkind, Levissee, Lippard, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Monahan, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Shanley, Smith, Sorte, Stromnes, Tyler, Vanek, Waldrop, Mr. Speaker. Total 57.

Noes: Anderson (Phillips), Bloom, Brennan, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Green, Haugan, Hedden, Johnson, Kruse, Longenecker, Love, Lovell, McLeod, Miles, Miller (Big Horn), Mulholland, O'Connor, Padbury, Parker, Phelan, Scofield, Scott, Spiegel, Stimatz, Stortz, Toomey, Trandum, Wenger. Total 32.

Absent and not voting: Campbell, Goodwin, Joffray, Kelson, Lemmer, Metlen, Minette, Mungas, Reed, Schneider, Sherman, Whaley. Total 12.

Passed their vote: Wood. Total 1.

Senate Bill No. 86 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Freshman, Haight, Hamilton, Hardcastle, Heavlin, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Lippard, Love, McClain, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Miller (Roosevelt), Minette, Mitchell, Nelson, O'Shea, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Spiegel, Stimatz, Stortz, Stromnes, Toomey, Trandum, Waldrop, Wenger, Whaley, Mr. Speaker. Total 67.

Noes: Crouse, D'Ewart, Elliott, Green, Haugan, Lehrkind, Levissee, Longenecker, Lovell, Miles, Miller (Big Horn), O'Connor, Parker, Scofield, Smith, Sorte, Vanek, Wood. Total 18.

Absent and not voting: Brennan, Campbell, Chatham, Goodwin, Hedden, Holecek, Joffray, Kelson, McKenna, Metlen, Monahan, Mulholland, Mungas, Padbury, Shanley, Sherman, Tyler. Total 17.

House Joint Resolution No. 4 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McClain, McKenna, McLeod, Measure, Met-

calf, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Sherman, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 80.

Noes: Lovell, Mitchell. Total 2.

Absent and not voting: Anderson (Chouteau), Bower, Chatham, D'Ewart, Goodwin, Hoiness, Holecek, Joffray, Kelson, Love, Mackie, Manning, Masterson, Miles, Minette, Mungas, O'Connor, Scofield, Shanley, Stromnes. Total 20.

## REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Joint Conference Committee, relative to House Bill No. 229, respectfully submit the following report:

That the Senate recede from its amendments. It is further reported that the following numbered subsection 6 be inserted in lieu thereof. 6: The purchase of insurance to cover all state owned automobiles and motor and non-motorized vehicle equipment, which insurance shall provide full coverage, including public liability, property damage, collision, fire and theft, shall be made by any state officer, Board or Commission operating any such automobile and motor and non-motorized vehicle equipment; provided, however, that any such officer, Board or Commission when in his or their opinion collision or fire or theft insurance is deemed unnecessary, he or they need not purchase such collision, or fire, or theft insurance. It shall be the duty of the Board of Examiners to affirm all such contracts of insurance. None of the provisions of Sections 257 to 259.5 inclusive shall be applicable to this subsection.

ALVORD,  
HOINESS,  
LEVISEE,

For the House.

KROMAN,  
SMITH,  
CHAPMAN,

For the Senate.

## STATEMENT

We, your Joint Conference Committee, relative to House Bill No. 229, respectfully submit the following report: That the Senate recede from its amendments, and that the amendment offered by your Conference Committee simply provides that the officer, Board or Commission operating automobiles or non-motorized vehicle equipment shall be given the optional power of insuring such equipment for public liability, property damage, collision, fire and theft; and that after such contract has been issued by said officer, Board or Commission, it shall be the duty of the Board of Examiners to affirm said contract.

LEVISEE, Chairman.

On motion, duly seconded, the report of the Joint Conference Committee on House Bill No. 229 was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Longenecker, Love, Lovell, McClain, McKenna, McLeod, Manning, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sher-

idan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Smith, Sorte, Spiegel, Stimatz, Stortz, Trandum, Tyler, Waldrop, Wenger, Whalley, Mr. Speaker. Total 77.

Noes: Hedden, Ijams, Padbury. Total 3.

Absent and not voting: Acher, Bloom, Bower, Chatham, Goodwin, Haight, Heavlin, Holecek, Joffray, Kelson, Lippard, Mackie, Masterson, Miles, Mulholland, Mungas, O'Connor, Sherman, Stromnes, Toomey, Vanek, Wood. Total 22.

The Chief Clerk started to read the report of the Special Committee acting under Senate Joint Resolution No. 7, investigating the State Insurance department in the State Auditor's office.

It was moved by Stromnes, duly seconded, that the report of the Special Committee be made a Special Order of Business on March 3rd, 1937, at 2:00 o'clock P. M.

On substitute motion, it was moved by Minette, duly seconded, that the House adjourn until 10:00 o'clock A. M. March 3rd, 1937. Motion was lost. Whereupon motion by Stromnes was carried.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day, on motion, requests the House to return to the Senate the following House Bills for further consideration: House Bills Nos. 231, 157 and 412.

Also that House Bill No. 412, having this day failed of concurrence in the Senate, is herewith returned to the House.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Smith, duly seconded, that the request of the Senate on House Bill No. 231 be not granted. After considerable discussion, the previous question was moved, by McLeod, duly seconded and carried. Whereupon motion by Smith was put and lost.

It was moved by McLeod, duly seconded and carried, that on Tuesday, March 2nd, 1937, a five minute limit on debate on the floor of the House be enforced.

It was moved by Minette, duly seconded, that the request of the Senate for the return of House Bill No. 412 be granted. On substitute motion, it was moved by Stromnes, duly seconded, that House Bills Nos. 231, 157 and 412 be returned to the Senate in compliance with their request. On substitute motion, it was moved by Smith, duly seconded, that House Bill No. 412 be segregated from the motion of Stromnes and that the House do not grant the request of the Senate thereon. Motion was lost. Whereupon motion by Stromnes carried.

#### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders, under the rules of the previous sitting.

Monahan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration, bills on General Orders, report progress and beg leave to sit again.

MONAHAN, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Metcalf, duly seconded and carried, that in the Committee of the Whole, all bills be read by title and history only and the proponents and opponents of motions be given not more than three minutes each to debate.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, and that all bills be read by history and title only and the proponents and opponents of motions be given not more than three minutes each to debate.

Monahan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 195 be concurred in.

That Substitute Senate Bill No. 182 be amended as follows: Amend Section 2 by striking out in line 1 the word "commissioners" and inserting in lieu thereof the word "Commissioner" and by striking out in line 10 of Section 2 the word "commissioners" and inserting in lieu thereof the word "commissioner."

Amend Section 7 by striking out in line 7 the period and inserting in lieu thereof the words "and is authorized to cancel any reinsurance contract on a pro rata basis."

Amend Section 8 by striking out in Line 12, in excess of ten percent (10%) and inserting in lieu thereof the words "more than ten percent (10%) in excess"

And as amended be concurred in.

That Senate Bill No. 174 be concurred in.

That Senate Bill No. 175 be not concurred in.

That Senate Bill No. 191 be not concurred in.

MONAHAN, Chairman.

Report adopted.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows:

Senate Bill No. 195 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, Dougherty, Hess, Lambert, Lasby, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miller (Roosevelt), Mitchell, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Stortz, Tyler, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 47.

Noes: Brennan, Campbell, Chatham, Crouse, Cruickshank, D'Ewart, Elliott, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Heav-

lin, Hedden, Hoiness, Ijams, Kruse, Lemmer, Levissee, Longenecker, Love, Lovell, Metlen, Miles, Miller (Big Horn), Minette, Monahan, O'Connor, Padbury, Scofield, Shanley, Smith, Stromnes, Wenger. Total 35.

Absent and not voting: Acher, Conner, Eggenberger, Goodwin, Haight, Holecek, Jackson, Joffray, Johnson, Kelson, Leeson, Lehrkind, Lippard, Manning, Mungas, Phelan, Sherman, Toomey, Trandum. Total 19.

Passed their vote: Cohen. Total 1.

Substitute Senate Bill No. 182 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chamberlain, Conner, Cusick, DeDobbeleer, Dougherty, Hess, Jackson, Lambert, Lasby, McClain, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Sorte, Spiegel, Stimatz, Stortz, Stromnes, Vanek, Waldrop, Whaley, Brennan, Mr. Speaker. Total 50.

Noes: Campbell, Chatham, Cohen, Crouse, Cruickshank, D'Ewart, Eggenberger, Elliott, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Kruse, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, Metlen, Minette, O'Connor, Padbury, Scofield, Shanley Smith, Wenger, Wood. Total 35.

Absent and not voting: Acher, Daly, Finnegan, Goodwin, Holecek, Joffray, Johnson, Kelson, Leeson, Manning, Mungas, Phelan, Sherman, Toomey, Trandum. Total 15.

Passed their vote: Miller (Big Horn), Tyler. Total 2.

Senate Bill No. 174 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Freshman, Green, Haight, Hardcastle, Hess, Hoiness, Jackson, Johnson, Kruse, Lambert, Lasby, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, McLeod, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Shanley, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 72.

Noes: D'Ewart, Eggenberger, Heavlin, Ijams, Lovell, O'Connor, Scofield, Stimatz, Stromnes. Total 9.

Absent and not voting: Chatham, Finnegan, Goodwin, Hamilton, Haugan, Hedden, Holecek, Joffray, Kelson, Leeson, Levissee, Masterson, Miller (Big Horn), Mungas, Phelan, Sherman, Smith, Stortz, Toomey, Trandum, Whaley. Total 21.

## MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that Senate Substitute for House Bill No. 154 be placed at the head of the list on General Orders.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Monahan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Substitute for House Bill No. 154 be concurred in.

MONAHAN, Chairman.

Report adopted.

### THIRD READING

The following, having been read three several times, title and history agreed to, were disposed of as follows: (all appropriation measures having been read at length)

Senate Substitute for House Bill No. 154 was concurred in by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Brennan, Campbell, Chamberlain, Cohen, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Hamilton, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lemmer, Levissee, Lippard, Love, Lovell, McClain, McKenna, Manning, Masterson, Metcalf, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scott, Shanley, Sorte, Spiegel, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 65.

Noes: Acher, Burns, Green, Haugan, Hoiness, Longenecker, McLeod, Miller (Big Horn), O'Shea, Stimatz. Total 10.

Absent and not voting: Bloom, Chatham, Conner, Crouse, Cruickshank, Cusick, Goodwin, Haight, Hardcastle, Holecek, Joffray, Kelson, Leeson, Lehrkind, Mackie, Measure, Metlen, Miles, Mungas, Ruffcorn, Scofield, Sherman, Smith, Stortz, Stromnes, Toomey, Trandum. Total 27.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 10:00 o'clock A. M., March 3rd, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

### FIFTY-NINTH DAY

House of Representatives,  
Helena, Montana,  
March 3rd, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call, all members present except the following: Excused: Kelson; Absent: Toomey.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-eighth Legislative Day find the same to be correct.

LIPPARD Chairman.

Report adopted.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your conference Committee appointed to consider Senate Amendments to House Bill No. 167, report as follows: The House agrees to all Senate Amendments.

LONGENECKER,  
SCHNEIDER,  
For the House.

PLANK,  
LAMP,  
STARKS,  
For thhe Senate.

On motion, duly seconded, the report of the conference committee on Senate Amendments to House Bill No. 167 was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Longenecker, Mackie, Measure, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Sorte, Spiegel, Tyler, Vanek, Whaley, Wood, Mr. Speaker. Total 62.

Noes: Daly, Finnegan, Lippard, McKenna, Miles, Ruffcorn, Trandum, Waldrop, Wenger. Total 9.

Absent and not voting: Acher, Chatham, Conner, Dougherty, Eggenberger, Elliott, Green, Haight, Heavlin, Hedden, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levissee, Love, Lovell, McClain, McLeod, Manning, Masterson, Metcalf, Metlen, Monahan, O'Connor, Reed, Stimatz, Stortz, Stromnes, Toomey. Total 31.

Mr. Speaker: We, your Conference Committee of the House and Senate, having had under consideration House Bill No. 30, respectfully report as follows: That House Bill No. 30 be amended as follows:

Section one, Line 23, strike out all of section one after the word "provided" and insert in lieu thereof the words "that said Commission shall have the right, power and authority when properly petitioned to alter, and change the boundaries of, or entirely do away with and abandon any preserve or refuge, excepting the Sun River Game Preserve, when in the opinion of said commission, it is to the best interest so to do" and as so amended recommend that House Bill No. 30 be concurred in.

LEMMER,  
BLOOM,  
MILES,  
For the House.

SULLIVAN (Chouteau),  
HARLEN,  
For the Senate.

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Haight, Hardcastle, Hess, Hoiness, Ijams, Johnson, Lasby, Leeson, Lemmer, Levissee, Lippard, Longenecker, McKenna, Mackie, Measure, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan),



Phelan, Reed, Ruffcorn, Scofield, Scott, Shanley, Sherman, Spiegel, Stortz, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 66.

Noes: Lambert. Total 1.

Absent and not voting: Chatham, Conner, Crouse, Daly, Eggenberger, Green, Hamilton, Haugan, Heavlin, Hedden, Holecek, Jackson, Joffray, Kelson, Kruse, Lehrkind, Love, Lovell, McClain, McLeod, Manning, Masterson, Metcalf, Metlen, Monahan, O'Connor, Schneider, Smith, Sorte, Stimatz, Stromnes, Toomey, Trandum, Tyler, Whaley. Total 35.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised the House that he had this day approved House Bill No. 75.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day on roll call adopted the report of the Joint Conference Committee on Senate Amendments to House Bill No. 30.

The Senate this day, on motion duly seconded and carried, requests the House to return to the Senate for further consideration: House Bill No. 276.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House for concurrence in the Senate amendments: House Bills Nos. 94, 146, 168, 201, 246, 322, 411, 376, 379, 88, 289, 343, 357 and 396.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 241, 245, 312, 316, 319, 323, 324, 335, 409 and 413.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

#### MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded, that the request of the Honorable Senate for the return of House Bill No. 276 be granted. Motion was lost.

It was moved by Hoiness, duly seconded and carried, that the House request the Honorable Senate to return Senate Bill No. 110 for further consideration.

House Resolution. Introduced by Shanley.

Designating July 15th, 1937, and each succeeding July 15th as ALL MONTANA DAY, and providing that the Governor issue a proclamation each year hereafter proclaiming such date as ALL MONTANA DAY.

WHEREAS, the State of Montana, being the third largest State of the Union, 535 miles from east to west, 275 miles from north to south, containing 146,997 square miles, about one-third of which is mountain country with the remainder about equally divided between farming and grazing land, and

WHEREAS, the people of the State numbering more than 500,000 are living in widely scattered communities and areas and engaged in diversified business and industries connected with agriculture, stock raising, mining, lumbering, financing, retail and wholesale distribution, transportation, education and public service, and

WHEREAS, Montana, with its vast expanse of mountain country, its 500 lakes and fishing streams, its thousands of miles of winding mountain

roads, and its millions of acres of national forests, affords recreational advantages unequaled by any other State, and

WHEREAS, If Montana were walled in and cut off from the World, she could support herself, her people would lack none of the necessities, and few of the luxuries, of life, and

WHEREAS, we feel that there has never been a time in all of its history when this State was as ready to go forward into prosperity as it is today, and that if all Montana will pull together, broaden the horizon until it takes in the welfare of all our people, the door of opportunity will open wider.

THEREFORE BE IT RESOLVED, That in order to make all of the people more conscious of each other, of business, recreation and possible development, that the 15th day of July, A. D. 1937, and each succeeding July 15th be, and the same is hereby designated as ALL MONTANA DAY, and that the Governor of the State of Montana be requested each year, twenty days before the date designated, to ISSUE A PROCLAMATION to that effect, urging the people of Montana to arrange a big picnic, or event, or series of picnics or get-togethers, where they may become better acquainted with each other and all matters pertaining to the welfare of all of the people of Montana.

On motion of Shanley, duly seconded and carried, the above resolution was adopted.

#### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your select Committee appointed to investigate the conditions and circumstances surrounding the transfer of credits between the various units of the Greater University of Montana, beg leave to report the following:

The charge was made that students completing a year or two years study in a course at one college upon transferring to another unit to complete the course were unable to do so in the regular time but were required to overload or pursue the studies for another year or more thereby causing more expense to the student, etc.

In checking over the cases brought before us we find that conditions especially during the past six years in connection with student transfers of credits between some of the institutions of the system substantiated the complaints.

We find that in the majority of instances credits were accepted whenever they applied to the course but that in some cases a high scholastic standing demanded by the last institution attended made it necessary for the student to improve the quality of his work in subjects in which he barely passed at the first institution.

The investigation further disclosed that the newer units of the system during the pioneering period of their development were unable to offer, because of lack of facilities all of the subjects required in the same course at another institution and as a consequence it was necessary for the student to overload or put in additional time before graduation.

We find that recent additions of courses and equipment have been made and we feel that difficulties because of their lack should now be eliminated.

We have been advised the situation complained about will be corrected as rapidly as possible.

We feel that in view of the above findings that the heads of the several units should be given two years more to articulate and parallel their courses and recommend that action in this respect should be deferred until the meet-

ing of the next assembly at which time it will be possible to determine whether or not they have been successful in their efforts.

Your committee found that in some units there has been a tendency to increase and enlarge the curriculum. This results in need for more funds. In the further articulating and paralleling of courses as recommended in this report we recommend that further expansion of curriculum beyond the point where this articulation is achieved be recommended discouraged. We recommend that the units of the University be requested to discontinue both further enlargement of curricula and further expansion of the units. We feel the State of Montana, in offering the present courses in higher education, is carrying a heavy financial load. We further feel that other departments of the educational system in Montana should receive consideration before there be further expansion at any of the units or any additional finances be provided therefor.

We respectfully submit this report to the House of Representatives and direct that a copy of this report be sent to the President of each unit and a copy filed with the Secretary of State, and request that this Committee be discharged.

LIPPARD, Chairman,  
SMITH,  
HAIGHT,

On motion of Lippard, report adopted.

Mr. Speaker: We, your select committee appointed to investigate the office of the State Superintendent of Public Instruction under the authority of a House Resolution, approved and passed by the House of Representatives of the Twenty-fifth Legislative Assembly, respectfully report to the House as follows:

The House by Resolution invested the committee with plenary power, to conduct the investigation ordered by the House, and imposing no arbitrary restrictions upon the character of the investigation. Responsive to the spirit of the resolution, as well as its letter, we have undertaken, during the time at our disposal, necessarily limited by our many conflicting legislative duties, to inquire, as thoroughly as our limitation would permit, into all charges reported to us, having to do with the affairs of this office.

We find, upon an examination of witnesses, regarding the charge that records and correspondence were missing from the office, that many records, first thought lost by the new state superintendent, have since been located.

Regarding the charge of irregularity, which we found was rumored because of distribution of public school general fund monies, we learned that all distributions from this fund were made by order of the State Board of Education, and that, only, after advice from the Attorney General of Montana.

A certain charge was made that a dictionary, left as a sample by a book company, was not in the office. This, we find was donated by the State Superintendent, to assist a needy school district and did not constitute maladministration, in our opinion. A certain set of encyclopedia, reported to be missing from the Superintendent's office, we find to have been the personal property of the outgoing Superintendent. She was, therefore, entitled to remove the same upon her withdrawal from the office.

We believe, from our investigation, that much misunderstanding between the outgoing and incoming administrations could be avoided, if the outgoing officials would be required to check out to a representative of the State Board of Examiners, and the incoming officials to check in to the same representative of the State Board of Examiners. We believe that had the outgoing and incoming officials arranged for a conference to acquaint the new officials with the whereabouts of the office equipment, supplies and

records when such transfer was made on January 1, 1937, our investigation would have been entirely unnecessary.

We respectfully submit the above results of our investigation requesting that our report be accepted and our committee be dismissed.

LIPPARD, (Chairman).  
LONGENECKER,  
ALVORD,  
HAMILTON,  
O'CONNOR.

On motion of Lippard, report adopted.

### INTRODUCTION OF BILLS

The following bill was introduced by unanimous consent, read first and second times at length, and referred to the Committee on Appropriations.

House Bill No. 416, introduced by Committee on Appropriations: A Bill for an Act entitled: "An Act to appropriate money for the operation and maintenance of the Industrial Accident Board for the period ending June 30th, 1937, it having been found that the appropriations provided by the 24th Legislative Assembly were insufficient for the above purposes."

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Whaley in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 21 be not concurred in.

That House Bill No. 414 and House Joint Memorials Nos. 13 and 9 do pass.

That Senate Amendments to House Bills Nos. 322 and 201 be concurred in.

That Senate Amendments to House Bill No. 276 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 411 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 94 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 168 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 146 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 379 be not concurred in and a conference committee be appointed from the House and a like committee requested from the Senate.

Report adopted.

WHALEY, Chairman.



## MOTIONS AND RESOLUTIONS

Mr. Speaker::

WHEREAS the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana in regular session convened has by the vote taken impeached John J. Greene, a member of the State Board of Equalization of the State of Montana for high crimes, misdemeanors and malfeasance in office and has ordered the election of a board of managers consisting of five members of the House to prepare articles of the impeachment and to present them at the bar of the Senate and prosecute the same.

THEREFORE, I move that Haight, Hoiness, Metcalf, Smith and Anderson (Chouteau), members of the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana be elected as the board of managers to prepare articles of impeachment and present them to the bar of the Senate and prosecute the same.

HEDDEN.

The above motion was duly seconded. On substitute motion it was moved by Shanley, duly seconded, that the motion of Hedden be indefinitely postponed. Motion was lost. Whereupon motion of Hedden carried.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

## AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

## SPECIAL ORDER OF BUSINESS

REPORT OF SPECIAL INVESTIGATION COMMITTEE APPOINTED  
UNDER SENATE JOINT RESOLUTION NO. 7 TO INVESTIGATE  
STATE AUDITOR'S OFFICE AS TO THE ADMINISTRATION OF THE STATE INSURANCE ACT AND THE  
ADMINISTRATION OF OTHER INSURANCE  
MATTERS

Your Committee, organizing immediately after the adoption of the Resolution, held hearings, examined records, interviewed witnesses, and sent out considerable correspondence to outside insurance companies, all pertaining to the content of the Resolution. The report can be divided into two general heads:

First: The conduct of the affairs of the State Auditor and Deputy Commissioner of Insurance in the administration of the State Insurance Act.

Second: The conduct of the same office in regard to insurance affairs in general.

## FIRST

In order to properly understand the administration of the State Insurance Law, it is necessary to review briefly the history of carrying insurance on public buildings by the State of Montana. Previous to 1932 it was the practice of the State to let this insurance out in a pool of companies. The commissions were distributed to the various agents throughout the State. The records reveal that the average rate charged on fire and lightning beginning at a little earlier period ranged from \$1.02 per hundred for three years of insurance to 79.6 in 1932. At this time the State was covering approximately \$8,000,000 worth of property, and we wish to point out in this respect, however, that the most hazardous risks were not insured. Quoting from the testimony of Mr. Fitzsimmons:

"Yes, some of the Fish and Game property on the second and only one or two of the Highway buildings in existence at that time. In addition there were small buildings at various institutions and outlying buildings of small value that were not included on this schedule, and on which no insurance was carried mainly for the reason that the high rates would bring up the average rate."

Quoting further from Mr. Fitzsimmons' testimony:

"QUESTION: Under this method of insurance, a great many of the more hazardous risks were not insured. Do you recall whether there was any fires on property not insured during 1928 to 1932 and what amount of loss was sustained by the State?

ANSWER: "Yes, there were several fires during that period that occurred in buildings that were not covered. We lost a hay shed and a hay barn; at another time there was a fire at the Deaf and Blind School at Boulder. Another fire that occurred in buildings which were uninsured was the one where the State lost two horse barns close to the East entrance of the State Fair Grounds."

In one or two years the fire losses on uninsured property approximated that from insured property. However, the value of the property uninsured was small compared with the value of that which was protected.

In 1933 the method of insuring public property was changed. The last policy covered about \$9,300,000, was cancelled on a short rate basis. Bids were called for, and a policy with a reduced valuation of \$6,600,000 offered and accepted at the rate of 60c. The rate on the expiring policies being 79.6. Both of these policies were 90% co-insurance and both carried depreciation charges and standard exceptions.

In 1934 the property outside of the last schedule comprising the outlying property referred to above, the Fish and Game property, and the Highway Commission buildings were insured in another policy carrying a \$1.00 rate. In October 1935 the Waiver of Fallen Buildings Clause was added increasing both of these policies 18c, thus making the rate at the time of expiration of the last insurance with private carriers 78c under the large schedule and \$1.18 under what is commonly known as the "Pick Up Schedule".

At this time, we wish to direct your attention to the fact that throughout this period of some ten years, the total amount of money paid out for fire insurance premiums was well over \$300,000. The entire losses for the same period was between \$8,000 and \$9,000, or figuring on a ratio basis, \$37.00 was paid for premiums against \$1.00 collected in fire losses.

The last legislature enacted the State Insurance Fund Law. In order to properly understand its administration it is well to understand, also, the principles upon which it is predicated. These are pretty well defined due to the experiences of other states having similar laws working under the proposition that volume has a definite relationship to price. A large amount of insurance of the same classification would receive better rates than the same class of insurance insured under many different policies. This theory can be well proven by the differences in rates charged as a whole to the State of Montana and individual school districts or counties upon the same classification of property. It was provided that the rate to be charged would be the commonly accepted prevailing rate. This was to be reinsured in the same manner that private companies reinsure their risks. This balance was to be placed in a fund, and as the fund grew, the State was to assume more and more of its liability until such a time as it had sufficient funds to carry its own insurance.

In the administration of this Act, the Auditor and ex-officio Commissioner of Insurance was to play an important part. The general administration of this Act, and the determination of the rates, were in

his hands. The letting of the reinsurance contract was the duty of the Board of Examiners. It can readily be seen that for this law to function properly, it was vital that an effective reinsurance contract be entered into. There are numerous precedents in other states and amongst private companies on reinsurance contracts. The common custom on large schedules such as provided for under the State Insurance Act, should be underwritten on what is known as a 60% basis. That is, the reinsurer would assume liability, with certain standard exclusions excepted, at 60% of the rate charged the insured. The situation under the Montana Act was complicated by the further fact that it not only provided for insurance against fire and lightning, but also seven additional coverages.

On May 18 the first reinsurance contract was submitted to the State Board of Examiners and we will offer briefly the essence of this contract. It provided that the rate to be charged by the State Insurance Fund on policies written by the State Auditor's Office should be the rate of the expiring fire and lightning policies without any additional charge for the added coverages of tornado, wind storm, cyclone, hail, flood, water damage and explosion. These policies were to be underwritten on a basis of 80% without any additional charge. In other words, the cost of insurance would have been no greater under the State Insurance Act, than under the previous method of insuring public property and the insured would receive additional coverages not included in their previous policy. This policy contained what is known as standard exclusions such as hail damage to green-houses or wind storm damage to outside awnings, and the first \$100.00 of flood damage. If the Board of Examiners in their judgment believed that the 20% would cover these, they had the authority to enter into this contract.

The second contract offered was a flat \$1.40 contract without exceptions. The third contract was a revision of the second and was 80% of the policies as written by the State Auditor's office, but not 80% of the rate under expiring policies provided for in the first contract. There was a vast difference in the two 80% contracts as hereinafter set forth. Your Committee has considered very thoroughly the merits of these contracts. The first contract offered was by far the best. We will go so far as to say that it was the only reinsurance contract offered under which the Fund could successfully operate. We have ample evidence of the desirability of this contract by State officials and others, including Commissioner of Insurance Holmes and Assistant Commissioner J. D. Kelly. Quoting Mr. Kelly's testimony in part:

"QUESTION: What was the best contract really offered you?

ANSWER: The 80%.

QUESTION: The first 80%.

ANSWER: We always thought that a percentage contract would be the best contract and they finally came back to that. We didn't enter into it as it wasn't our contract.

QUESTION: You remember, I think, your objection, yours and Mr. Holmes' to that first 80% contract?

ANSWER: I don't remember objecting to any contract. They did ask me questions and I would try to answer in the light of all I knew about standard contracts. I was called to advise them what other contracts called for, and I was under the impression that the 80% had the standard exclusions.

QUESTION: The 80% contract was offered twice?

ANSWER: I don't recall being down there on the 80%. There was one of the contracts that had standard exclusions, but I do not recall them taking adjournment.

QUESTION: The exceptions in that contract were not severe, they were minor?

ANSWER: I think they were. They differed somewhat from the standard contracts.

QUESTION: The exceptions referred to storm damage, the awnings that the wind blew off, etc.?

ANSWER: The standard exceptions, yes.

QUESTION: Under the law, the Board of Examiners has the right to write reinsurance; under the law, this contract would be written 20% under tariff?

ANSWER: As I said before, we were always under the impression that a percentage contract would be the better contract.

QUESTION: Wouldn't the 20% have been very ample to take care of any possible losses under such exceptions?

ANSWER: Well, I (sentence unfinished)".

The following excerpts are from Mr. Holmes' testimony, to-wit:

"QUESTION: Do you remember—I am trying now to outline these three different insurance contracts. This contract which we will call No. 1 contract provided that this company, which was the Pearl, would reinsure all state risks at 80% of the expiring policy, and would make no extra charge for the extra coverages and contained minor exceptions of wind storm, for instance, on awnings and greenhouses, and such as that. The second contract was a flat \$1.40 rate, and the third was an 80% of the policy written. Those three were offered, were they not?

A. Senator, I had not a single thing to do with the reinsurance contract.

Q. Do you—to your knowledge were those the three contracts offered?

A. I don't know, sir. Never consulted. Some questions Kelly was asked. I couldn't tell what the discussion the Board of Examiners—We counseled against the \$1.40 because it put my office in a bad position, that was the only thing. I wrote a letter to the Board.

Q. But you were never consulted as to the merits of any of these contracts?

A. No, sir.

Q. Your Department was not?

A. No, sir.

Q. You were not in the Board of Examiners when the first contract was offered, and objected and got mad and shut the door?

A. That was in connection with the \$1.40 contract, the flat rate.

Q. Mr. Holmes, if the first reinsurance contract offered, which I have outlined to you, had been accepted, had all policies been written on the expiring rate, had no charge been made for extra coverage, would not the Fund be in much better shape today?

A. I will answer that this way. That if Mr. Miller had come in with the percentage contract of the law; he didn't come in with the percentage contract. What Mr. Miller should have submitted to the Board was a percentage contract and if he did the State Insurance Law would be in force today.

Q. Assuming that such a contract was offered the State and it had minor exceptions as are contained in a standard policy, and that the minor exceptions could be taken care of in the difference between what the insurance company was paid and what the insurance fund would collect, which was 20%, then there would be no occasion for raising the rates, isn't that right?

A. Senator, I don't understand the question fully, and I couldn't answer that. I had nothing to do with the reinsurance contract. I myself didn't discuss it and I couldn't answer the question."

We could direct another page of testimony to your mind showing that there was no question in the minds of anyone having to do with the administration of the State Insurance Act that this first reinsurance



contract was by far the best offered. We are quoting the statements of Mr. Holmes and Mr. Kelly in light of what really transpired and is on the records of the Board of Examiners.

We wish to point out the history of this original contract and its results. It was first offered to the Board of Examiners on May 18 and again on June 26, and still again on June 28. On June 28 this contract was accepted by the State Board of Examiners. The motion to accept was made by Secretary of State Mitchell and seconded by Attorney General Nagle. Secretary of State Mitchell and Attorney General Nagle voted "aye", Acting Governor Holt passed his vote. Then the following motion was made and unanimously carried, as taken from the records of the Board of Examiners, which reveals as follows; to-wit:

"I move that the State Board of Examiners notify State Auditor and ex-officio Insurance Commissioner John J. Holmes and his assistants in the Insurance Department to confer with the Board of Examiners in the matter of the State reinsurance that the policy now accepted by the Board of Examiners be submitted to the State Insurance Commissioner that it may be studied by him before the conference and the Board of Examiners meet before they are notified that the Insurance Commissioner is ready to advise with them on the provisions of the policy."

We wish, at this time, to draw your attention to that portion of the testimony of Governor Holt relating to the meeting:

"I am uncertain as to dates, but my recollection is that when the insurance matter was considered by the Board of Examiners, I informed the other two members of the Board that I wanted to consult with the State Commissioner of Insurance and get his advice. I have forgotten when this was. You say there was a meeting in July?"

We, likewise, wish to quote from the testimony of Secretary of State Mitchell:

"Q. This contract was accepted by the Board of Examiners subject to the approval of the Commissioner of Insurance, is that right?

A. Yes.

Q. You also moved that the Board of Examiners notify Mr. Holmes that this policy is accepted, is that right?

A. Yes."

On July 2nd, we quote from the Minutes of the Board of Examiners:

"The proposal of the Miller Insurance Agency to reinsure the State Insurance Fund was discussed at length, various changes being made in the proposal as suggested by the Insurance Commissioner, members of the Board of Examiners and Attorney Ford. When the proposal had been changed to apparently meet all requirements of the State Insurance Law, the Miller Insurance Agency, represented by Charles E. Miller, Jr. was instructed to prepare various changes and present it again at a meeting to be held at 10:00 A. M., Wednesday, July 3."

On July 3rd, a new contract was filed carrying provisions for a flat rate of \$1.40 per hundred dollars of liability for three years without any standard exceptions. In view of their own testimony, we wish to quote from the records of the State Board of Examiners:

"After reading the Resolution, Secretary of State Mitchell moved its adoption. Acting Governor Holt asked Mr. Kelly, as representative of the State Insurance Department whether he approved the contract, and he answered "No"; thereupon, Attorney General Nagle asked Mr. Kelly whether he objected to the form, rate, and contents, and he answersd, "I approve the contract as to form, rate and contents, but I do not approve the Company writing the contract."

We wish to point out at this time the difference between the contract now accepted and the contract as previously accepted subject to the approval of the Commissioner of Insurance. The rates on the policies outside of the State property could have been covered under this contract, but the rates upon the State property were at least, even considering the additional insurance offered, twice as high as the rate then prevailing upon the State property. Quoting from Mr. Kelly himself as to the effect of this \$1.40 contract:

"Q. Was the State risk which was written at 60c and that was before everyone, and did that indicate that the \$1.40 was greatly in excess of that rate?

A. I remember that I was called down to the Board of Examiners and everything there hinged on the 60c as to the \$1.40 rate insurance."

We wish to call your attention at this time to the fact that Mr. Kelly denied having anything to do with the rejection of the original contract and even offered us a signed statement that he did not know the \$1.40 contract was in existence until after it was signed. Again quoting from Mr. Kelly:

"Q. I mentioned the first contract offered?

A. I don't recall, but I never had a copy of it to study, never had a chance to take the first contract and sit down and study it.

Q. It wasn't submitted for your consideration?

A. Oh, no, I was called down to the Board meeting and the only contract was the \$1.40 contract.

Q. Assuming that this contract was offered, it really was a better one, providing, I think, a few standard exceptions. The policy of the State would be underwritten at 80% with expiring rate and with no extra charges for additional coverages. Would that have been better than either the \$1.40 or later 80% contracts?

A. Written on a percentage basis of the expiring premium with all of the other coverages thereon, I imagine, yes.

Q. You don't remember whether you objected very strenuously to that policy or not?

A. I don't remember. We talked about the matters. I did not know that it was the type of policy.

Q. Assuming that it was, do you remember advising Mr. Nagle that you would want a contract written upon a certain rate?

A. Oh, no.

Q. No, you didn't advise the Board of Examiners that?

A. No, not advised. Revolved around a point—60c on your six million dollars, and when they brought in a premium contract, a fixed rate, that immediately raised the point in my mind how are they going to meet the re-insurance premium, in the event it is higher than the old premium they are paying.

Q. Had it been written there would have been no occasion for any extra charges to anybody?

A. With the original?

Q. Of the original contract we are speaking of?

A. No, as the matter worked out, except your fund wouldn't have grown.

Q. There wouldn't have been any occasion to raise any policy throughout the state?

A. If the policy was to be given on the old rate with all thrown in on a percentage—it would depend on your re-insurance contract, of course."

What we wish to point out here is how can this testimony be reconciled with the deliberate action in turning down the original contract.

This Committee is of the unanimous opinion that this contract was by far the best contract for the State Insurance Fund Law to work under. We are further convinced it was the contract contemplated by the Legislature. It would have established a well defined policy as to rates and, which on the testimony offered this committee, would have been the cheapest contract, everything considered, ever offered public officials of this State. In view of the testimony this Committee can only point out that there was no objection to the \$1.40 rate as to content, rate or form, but only to the company, as it was the same company that had offered the previous contract. This simply doesn't make sense.

We wish now to uncover the cloak which the ex-officio Commissioner of Insurance draws about him in defending the high rates charged: (1) that it was necessary to charge such rates in order to be above the \$1.40 reinsurance contract. This contention, we believe, has been fully disproven; (2) He states his method of arriving at rates was determined upon the opinion of the Attorney General, which we quote from his testimony:

"Q. Do you remember about what time you received this letter from Mr. Nagle informing you about the method in arriving at rates?

A. I think I have a copy here (looking through files). The written opinion was handed down February 11, 1936, but prior to that time, Mr. Nagle came down and told us what he was writing, but it was in the process of being formulated. It was the first part of February that it came down as a written opinion. That was on a request we made to him. That letter will give the date, that was sometime in January.

Q. Sometime in February?

A. February 11 is the date of the opinion, but it was in process before that time and he told us what it was going to be."

Quoting further, from Mr. Grabow's testimony:

"When you came back in November, what Department did you go to work in?

A. Still in the Investment Department, although it didn't require all of my time, so I was asked by Mr. Holmes to assist on State Insurance. \* \* \*

"In handling State Insurance just what was your work there?

A. Most of my work consisted of assimilating the borderaux and completing it. \* \* \*

Q. Then you built up from adding coverage thereon, making the total rate charge. You did this, of course, after you came back about November?

A. Yes. \* \* \*

Quoting from Mr. Flaherty's testimony:

"Q. Along after you returned from your trip east, isn't it a fact that Mr. Dodson spent considerable time in the office helping to establish rates?

A. That is correct. \* \* \*

A. I will give you the reason Mr. Dodson was in there. He was called by Mr. Holmes to see if we were making these rates in accordance with the Attorney General's opinion; that the department in no manner was setting arbitrary rates. Also he was more familiar with rates than anyone we had there. He would help us.

Q. This was in the fall of '35, about in October, was it not?

A. I think it was.

Q. Immediately after you returned?

A. Shortly after I got back.

Q. You say he was making those rates in conformity with the Attorney General's opinion?

A. The Department was making the rates.

Q. He was checking them up?

A. We would get stuck and ask him which was correct.

Q. That was done in conformity with the Attorney General's opinion. The Attorney General's opinion was rendered when?

A. I don't remember.

Q. If it was rendered February 11, 1935?

A. No, it couldn't.

Q. Then, evidently at that time when the rates were fixed, the department themselves, this is assuming that the Attorney General's opinion wasn't there, the Department with the help of Mr. Dodson were fixing the rates, isn't that correct?

A. Yes, that is correct. \* \* \*

So according to the testimony the method of arriving at rates was used before Mr. Nagle's opinion. The same files, the same method of determining rates, the same classification of property so that Mr. Nagle's opinion was probably gotten as a defense rather than as a reason.

In summing up the attitude of the office toward the Insurance Act, every technicality that could be raised has been raised to prevent the establishment of fair rates. Certainly nothing could put the law in any worse light than what happened regardless of what one's opinion is of the State Insurance Fund Law. It can only be objected to upon the grounds that it would not be a proper field for a public business and invasion of the rights of private enterprise. This is a valid objection but any law placed in the hands of any public official demands conscientious, honest administration. Even if a law is poorly written and badly interpreted, there is no excuse for deliberately sabotaging that Act. It is not understandable to us why some of these objections were raised. For instance, when urged to charge the same rate as that on expiring policies a quotation of Senator Carroll's was offered saying a certain rate should be charged, yet, this was as to the first contract offered. And yet the records of the Board of Examiners show Senator Carroll urged the Board of Examiners to accept the first contract over the objection of the Insurance Department.

Again, if the 20% was not enough to take care of the minor losses which might occur in standard exceptions, that fault would lie with the Board of Examiners. The history of the State Insurance Fund Law reveals that those losses to date total exactly \$4.40. Again, if the company was so undesirable, why was it not objected to as the insurers of some \$7,000,000 worth of State Insurance carried directly previous to the enactment of the State Insurance Law. Certainly a company doing a business in this State covering many millions of dollars, if objectionable should have been immediately called to order as provided for under the laws administered by the ex-officio Commissioner of Insurance and the Deputy Commissioner. Each objection was raised because of the agency submitting the contract. Such an objection on the part of public officers, where the welfare of the State is concerned, is simply childish.

We wish to point out further that at the time of the enactment of this law there was a bitter fight raging between so-called board and independent insurance companies. On June 8, 1935, the Board of Examiners asked for bids on reinsurance, as provided by law. Quoting from the minutes of the Board of Examiners on that date:

"The Clerk was, therefore, instructed to write to the Board of Fire Underwriters of Butte, the Miller Insurance Agency of Butte, the Millers Mutuals of Great Falls, the Davis Agency of Great Falls, and such other



agents as might be interested in making an offer or submitting an agreement, advising the various companies that the Board would like their proposition submitted not later than ten o'clock A. M. June 25, 1935. \* \* \*

No bid was submitted by the Board of Fire Underwriters or anyone except the Miller Insurance Agency at that time.

It should be apparent that to accept the contract submitted at this time regardless of whether a good contract or not, would incur the displeasure of the Board of Fire Underwriters. But that left no excuse for throwing that contract out and accepting a contract written at a much higher rate which, in every essence of insurance values, was extremely harmful to the interest of the law and of the State of Montana. As we have pointed out, the company offering the contract did not change—only the contract. We can see no reason for this action, unless the reason might be that the State Auditor and ex-officio Commissioner of Insurance wished to discredit both the company offering the contract and the law itself. If this be true, such an action on the part of a state official is indefensible. But no better record can be had than the evidence now in the vault of the State Board of Examiners' office.

We have pointed out to this body that the contract entered into in the matter of reinsurance was upon the advice of the ex-officio Commissioner of Insurance and his deputy. That the State Board of Examiners, in accepting the contract advised by him, reconsidered their previous action in accepting a much better policy.

When it appeared that injunctions brought against the law might invalidate it and, therefore, render the State without insurance protection, the Board of Examiners asked for an underlying policy to give the State protection should that event happen. Such a contract was written and is in the possession of the Board of Examiners. This underlying policy referred to above is written by the same company for 78c per hundred dollars for insurance for three years.

It is true it is not as broad a policy as the \$1.40 policy, but using the figures of the ex-officio Commissioner of Insurance as a basis, it is one-third cheaper than the policy that underwrote the State Insurance Fund. In other words, the State Board of Examiners were able, when not hampered by the State ex-officio Commissioner of Insurance and his deputy, to obtain a contract much more valuable to the State, and this policy lays in the vault of the State Board of Examiners as proof of this statement.

We herewith submit a brief summary of the operation of the State Insurance Fund Law:

Insurance coverage on State-owned property.....	\$10,189,623.05
Insurance coverage on School District and County property....	3,476,638.90
	<u>\$13,666,261.95</u>

This is as of December 2, 1936.

Total Premiums Collected .....	\$ 114,045.88
--------------------------------	---------------

#### Expenditures

Total amount paid by the State Board of Examiners to the Miller Insurance Agency under contract of reinsurance between the State Board of Examiners and the Pearl Assurance Co.....	\$110,529.82
---	--------------

Amount transferred to the Fire Marshal Fund in accordance with Sec. 6, Chpt. 179, Laws of 1935, i.e. 1% of premiums collected .....	1,140.46
---	----------

Loss paid out of the fund and not yet re- paid by Pearl Company .....	15.00	
Total Fund expenditures .....		\$ 111,685.28
Balance remaining in Fund to date.....		\$ 2,360.60
Amount to be refunded by the Miller Agency for overpayment of premiums under reinsurance contract between the State Board of Examiners and the Pearl Assurance Company as shown (page 3 Auditor's Report, 12/2/36)....	\$ 37,632.73	
Loss paid by the Fund. Fund to be indem- nified in like amount by Pearl Co. under contract between company and State Board of Examiners .....	15.00	37,647.73
Total amount of Fund upon adjust- ment of Pearl Assurance Company account thru Miller Agency .....		40,008.33

We have a separate exhibit, prepared by the State Auditor's office, showing the condition of the Fund as of December 2, 1936, which we have marked Exhibit "A", and which is attached hereto.

Following is a schedule of the total losses during the operation of the Insurance Fund:

Fire .....	\$10,971.89
Tornado .....	692.39
Explosion .....	50.00
Flood .....	125.45

Total losses during operation of Fund.....\$11,839.73

We recommend, in order to place the contracts now in existence on a sound basis that authority be given to administer unexpired insurance contracts and policies issued or entered into under the State Insurance Act; also to equitably adjust said policies and contracts, and to provide for the refund of excessive charges on policies to the State of Montana and its political subdivisions.

Your Committee further recommends the present insurance be cancelled or adjusted and that the Board of Examiners be given authority to enter into a new contract should that prove the most advantageous for the State. These recommendations are contained in Substitute Senate Bill No. 182.

A statement as to the appropriation needed to fully cover the cost of the additional insurance carried has been submitted by your Committee to the Appropriations Committee of the House, the amount of which shall not be in excess of \$40,000.

We submit herewith a report from the Clerk of the State Board of Examiners:

"March 2, 1937.

To the Appropriations Committee  
House of Representatives  
Twenty-fifth Legislative Assembly  
Gentlemen:

Referring to the bill for deficiency appropriation to pay the State Fund the balance due on state insurance premiums, introduced in the amount of \$62,000 from the General Fund and \$31,000 from the University Millage Fund, a total of \$93,000, will say that this request was

based upon the billings for state insurance premiums at the rates established by the State Insurance Commissioner. The total premium charged for \$9,884,230.00 of insurance is \$161,068.63, the total available appropriation amounted to \$68,288.34, and this amount was paid into the State Fund, leaving a balance of \$92,780.29 still due the State Fund for premiums.

The Insurance Committee has requested that this amount be adjusted and lowered to conform to legislation now proposed for adjusting valuations and rates under the State Insurance Fund, consequently we offer the following revisions.

If the Insurance Commissioner will adjust rates and valuations as provided in Senate Bill No. 182 and establish said rates at the average rate on state property paid for the last policy to expire prior to the writing of the insurance in the State Fund, namely, 78c for \$100.00 of valuation for three years, and the State Board of Examiners will eliminate all coverages excepting fire and lightning, and including a waiver of the fallen building clause, as provided in Senate Bill No. 182, these said adjustments will reduce the additional necessary appropriation to pay insurance premiums to \$40,000.00.

In case this method of adjusting the present state insurance is adopted the amount of \$40,000.00 should be appropriated as follows:

From the General Fund.....	\$26,750.00
From the Millage Fund.....	13,250.00
Total .....	<u>\$40,000.00</u>

WLF:C

cc—Senator Garrison  
Insurance Investigating  
Committee.

Respectfully submitted,

STATE BOARD OF EXAMINERS,  
By W. L. FITZSIMMONS.

## SECOND.

**Unfamiliar with Plain Provisions of the Law.** The Committee finds from the testimony and evidence that the State Auditor, Commissioner of Insurance ex-officio, Deputy Commissioner of Insurance and Deputy Auditor are unfamiliar with the plain provisions of the law, respecting the conduct and administration of the work to be performed by them pursuant to the provisions of Section 459.1 of the Revised Codes of Montana, 1935, which reads in part as follows:

"Every person engaged in any service in every department of State, inclusive of persons in elective or appointive position or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the State under monthly or yearly salary, or who may be sent by any authorized executive of any department of the State upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily."

No officer or employee of the department complied with the specific provisions of this law at any time. Mr. Holmes, as State Auditor and Neil Flaherty, Deputy Auditor, together with other employees of the office, made a trip to San Francisco, California, and were absent for a period of more than two weeks. They failed to obtain permission to leave the State from the State Board of Examiners and upon their return

filed no statement as provided by the law. The testimony shows that J. D. Kelly, Department Insurance Commissioner, made a trip to St. Paul, Minnesota. Neil Flaherty, Deputy Auditor, went to Chicago, Illinois, Montreal, Canada, New York City and other places. According to the records of their office, as well as the Board of Examiners' no permission was obtained to leave the State or a statement filed showing in what capacity they were engaged each day while away from the Department.

We wish to call the legislators' attention to the fact that under the previous administration expense accounts were filed whether such accounts were paid for by the State of Montana or by the Insurance Company investigated or examined. In this respect we quote the testimony of Mr. Fitzsimmons:

"Q. Do you know how many times Mr. Porter asked for permission to go on examination trips?

A. I am unable to determine from the letters in the file, the actual number of examinations, owing to the fact that Mr. Porter may have used the word investigation or examination in his request, but I have four letters before me, in which he uses the term investigation. I cannot make a definite statement, but I am inclined to think that most of the trips were investigations rather than examinations. I do not know of one extensive examination trip made to St. Louis during Mr. Porter's term of office, on which trip Mr. Hall spent a month or more in and about St. Louis.

Q. On these other four investigations, you have claims for expenses incurred?

A. Yes.

Q. Have you been Clerk of the Board of Examiners since Mr. Holmes has been State Auditor?

A. Yes.

Q. How many times has he asked to leave the State for examinations or investigations of insurance companies?

A. I have been unable to find any requests for permission to leave the state for an investigation or examination.

Q. Do you know if there have ever been any claims filed with this department submitting expense accounts for investigations or examinations?

A. No. The claim would not be passed unless permission had been granted to leave the State, and I have no knowledge, nor do the records disclose any such claim being submitted."

The attention of the Legislature is directed to the following excerpts from their testimony, to-wit: (The following is from J. D. Kelly's testimony)

"Q. On these examinations on the methods of keeping books such and such a company's examination, is there a record—

A. There is no record of that kept. No, it would be in correspondence.

Q. Is there any record of the expenses of the trip filed?

A. Except what would be indicated in the correspondence, the billing to the companies."

The following testimony is taken from N. E. Flaherty's:

"Q. Does the law require you to make and file an itemized statement of your expenses?

A. Not to my knowledge.

Q. Did you file any expense account with your reports at that time?

A. No, I don't think I did.

Q. In fact, that hasn't been a practice.

A. No, it hasn't.



Q. Mr. Flaherty when there is any fees or expenses due to the State Auditor, or Commissioner of Insurance, or to any of the employees or members of the office, do you make a memorandum of those so that you can check them off after they are paid?

A. Oh, I don't know exactly the memorandum, Senator, maybe a list kept until paid, and that is the end of the list. No permanent record ever made of it."

The following is from Grabow's testimony:

Q. Did you furnish the State Insurance Commissioner a statement of the expenses which you made to the insurance company for service and expenses incurred?

A. My interpretation of the law is that this isn't necessary when the Insurance Commissioner doesn't directly examine.

There further appears from the testimony of these witnesses that they were engaged in making necessary examinations of insurance and casualty companies, which were licensed to do business in the State of Montana. The law provides under the provisions of Section 166 of the Revised Codes of Montana of 1935, that the Commissioner of Insurance shall examine and inquire into violations of insurance laws of this State, and for this purpose, or to see if the laws are obeyed, or to examine the financial condition, affairs, and management of any insurance company, including surety companies, organized under the laws of this State, or any other state or territory, or foreign country, he may visit, or cause to be visited, by any competent person or persons he may appoint, the head office in this State, or in the United States, of any domestic or foreign insurance company applying for admission to or already admitted to do business in this State, and may for these purposes examine or investigate any company organized under the laws of Montana, and any agency or any company doing business in the State. The cost of such examinations shall be paid by the company examined, and shall include the reasonable expenses of the commissioner, his deputies, and assistants employed therein whose services are not paid for by the department. Duplicate receipts showing the entire cost of the examinations authorized by the Commissioner of Insurance shall be taken and certified to by the public records of the Insurance Department.

It appears that in all of these cases where the expenses of the trips were paid by the insurance companies, that no duplicate receipts showing the entire costs of the examination authorized by the Commissioner of Insurance, was taken and certified to by the company examined, and that at no time were duplicate receipts properly filed, the only information being a carbon copy of the letter demanding payment of a specific amount. And even this could not be found in all cases. We quote from the testimony of different witnesses as to their failure to file proper receipts.

Quoting from Mr. N. E. Flaherty's testimony:

Q. I assume you are familiar with the law under which examinations of the character about which you have told us are made? (The Senator here read part of Section 166) Under that provision of our law, that practice hasn't been carried out?

A. No, possibly not right to the letter of the law. We assumed that a letter from a company was receipt. We had no receipt in the Insurance Department. If we were to use the official receipt of the Insurance Department, into the General Fund the money would have to go.

Q. It doesn't say that it has to go into the General Fund?

A. We had no other receipts.

Q. It is possible you could make other receipts, could you not?

A. It is possible.

Q. In other words, Mr. Flaherty, the law hasn't been followed according to its provisions?

A. No, they weren't certified to.

Q. Mr. Flaherty, when there is any fees or expenses due to the State Auditor, or Commissioner of Insurance, or to any of the employees or members of the office, do you make a memorandum of those so that you can check them off after they are paid?

A. Oh, I don't know exactly the memorandum, Senator. Maybe a list kept until paid, and that is the end of the list. No permanent record ever made of it.

The following testimony is from Edward Grabow's testimony:

Q. I assume that you are familiar with Section No. 166 of the Revised Codes of the State of Montana, relating to examinations of insurance companies by the Insurance Commission?

A. I believe I am.

Q. (Reads Section No. 166) Was that done?

A. Our interpretation is that convention examinations do not come within that law; that where the Commissioner undertakes an examination with his examiners, it is required that he file receipts, but where it is instigated by the convention, that no receipts are required.

Q. Who makes that policy in your office, not the insurance commissioner?

A. The insurance commissioner, with, of course, Mr. Kelly as legal head of the department.

Q. Who made the determination in your department?

A. I am not sure.

The following is an excerpt from John J. Holmes' testimony:

Q. I take it that it is not the rule of your Department to follow any of the provisions of this 166?

A. Well, Arlie, that wouldn't be a catch question. I will answer that to say we are going the best we can.

Q. What I am trying to find out, Mr. Holmes, is that under what provision of the law does your Department function. If it doesn't function under this section, so the Committee will know you are following some law that has been passed?

A. Of course, I would say that it would be 166. The only thing is that it is something that isn't done in the Montana Department. We have the right to go and make these examinations.

Mr. Holmes later testified:

Q. What interpretation does your office, if you use it at all, do you place on Section 166? How would you apply it to your Department?

A. My interpretation of 166 is that anytime I or one of my deputies have occasion to investigate any insurance company that we make the investigation and charge the company for our expenses and that we do not make any deposit with the State Treasurer.

Q. Mr. Holmes, when these checks come in made payable to you in your official capacity, how is the general public to know that they are for fees that have been made for trips, or for some other service or fee that belongs to the Department?

A. We may have fallen down on that, but I assure you that it is only investigations of this kind that make a public officer just—(Sentence unfinished)

During the months of September and October, 1935, Neil Flaherty made a trip to the City of New York for the purpose of making an examination as provided by law. Letters received by the Committee

from insurance companies show that they paid the following amounts to cover his expenses on this trip:

Millers National Fire Insurance Company.....	\$ 30.00
Lumber Mutual Fire Insurance Company.....	30.00
Pearl Assurance Company and Associates.....	100.00
Anchor Casualty Company .....	100.00
Sun Life Insurance Company.....	150.00
Globe and Rutgers Insurance Company.....	100.00
Hanover Fire Insurance Company.....	30.00
Hartford Fire Insurance Company.....	30.00
Total .....	<u>\$570.00</u>

Other trips were made by Mr. Flaherty to the western coast for the purpose of examining various insurance companies and they were requested to pay specific amounts. Payment of these demands were made by the companies upon warrants or checks, payable to John J. Holmes, State Auditor and Commissioner of Insurance. The evidence discloses that when these checks were received in the Auditor's office, they were endorsed with the official signature of Mr. Holmes by an employee and cashed. No record of any kind was kept in the office showing the number of checks received, the amounts, or their disposition.

Attention is directed to the following testimony of several of the witnesses. Quoting from the testimony of Mr. Flaherty:

"Q. About how much were your expenses per day that you turned in to these companies?

A. I don't know. I didn't figure it on a daily basis, Senator. I kept track of the money I spent and just took a total. Don't remember the expenses per day; probably figure it out. Rail fare and pullman about \$125 or \$150 and the rest of it was sustenance, meals, hotels, taxicabs—all of my expense.

Q. That is what these six companies were billed for?

A. Yes.

Q. When you returned did you make a report for each of these for the office?

A. I made a report of the Pearl and Anchor, Sun Life and this other one. I will try to find the file. The rest of them it was a matter of a lot of talk to explain, and maybe I am not the best writer in the world. I can tell better than I can write it. And there has been talk about it ever since."

This method now followed in the office opens the door to fraud and should not be tolerated. Examples are shown in the following testimonies. This is from Mary Mairele's testimony:

Q. Sometimes during the spring of 1935, either during February or March, you had occasion to have some checks handed to you by Mr. Holmes, I believe. Did you have any idea as to the approximate number of them?

A. Well, I wouldn't say for sure. It might have been 30 or more. The way you can really find out is to get one of those memo books up in the back room. The ones on the Coast are the ones that were received at that time.

Q. These checks were for the amount of ten dollars each?

A. Yes, they were all from the western coast. I handled it you see and the other times I didn't handle all that business.

Q. Where were you in the office at the time Mr. Holmes gave them to you?

A. He didn't give them to me. I opened the mail and distributed it. I endorsed them and had them cashed.

Q. Who instructed you to do that?

A. Mr. Holmes.

Q. What else did he say besides getting them cashed?

A. That money was to be divided between Mr. Flaherty and Mr. Holmes to cover the expense of the trip they had taken.

Q. Did you have any idea as to the number of trips they had made for which this amount was to cover?

A. They just made that one trip, maybe they were in an office.

Q. They contacted all these companies?

A. Oh, yes.

Q. This money was made to pay them the expenses. When those checks were received do you recall whether or not they were sent to Mr. Holmes as State Auditor?

A. Sometimes John J. Holmes, State Auditor. None of them were personal.

Q. So far as you remember were these checks made payable to the State Auditor and to John J. Holmes, State Auditor?

A. Usually memo of those company checks came in that way.

Q. All of them as you remember were to him in his capacity as State Auditor?

A. Yes.

Q. Did you hand the money that you received from the State Treasurer to Mr. Holmes?

A. Yes, sir.

Q. Did you make any record in any book of the money you received?

A. No, sir. The only record was to see that all this money was taken was a small memo crossed off when the money came in. There was no state record kept of it.

The following is from Neil Flaherty's testimony:

Q. These charges or checks when they were received from the company, how were they handled?

A. Oh, I—— They were just cashed as an ordinary check. I don't recall any particular——

Q. Were these checks made to you as an individual—explain to the Committee?

A. Well, as I remember some of the checks were made to me and some to Mr. Holmes.

Q. And these checks were cashed and the money was taken by you, reimbursing you for your expense?

A. This is correct, Senator.

The following is from the testimony of John J. Holmes:

Q. You didn't receive any money direct from any insurance companies?

A. No, sir.

Q. Perhaps you will recall last evening I asked you with reference to a certain check amounting to the sum of \$80.00, received from the Royal Insurance Company?

A. Yes, sir.

Q. You were not familiar with it at that time. For your information I am going to hand you a letter which the Committee has received from the Royal Insurance Company, in which it shows that there has been a check of \$80.00 received. Please check this over and see if you know anything about it (hands over letter mentioned).

A. (After he had read letter) Well, I don't know what this would be about. (Reads from letter, then:) This would be a regular tax return, Senator?

Q. According to the statement those funds were sent to you as State Auditor, were they not?



A. I don't know the first thing about this, Senator.

Q. Isn't it a fact the checks are all \$10.00 checks? In your opinion are they fees of some kind, that is what it looks like to me?

A. I don't know. I called Mr. Flaherty in and said the Committee was looking for an \$80.00 check from the Royal, and I brought up—

Q. You will observe this is 1935 instead of 1936?

A. I—We—I don't know anything about it, Senator, without looking up the records. We have right today from that same company a check came in for \$935.00 and there was something in connection with it, I don't know just what.

Q. You will note, Mr. Holmes, how the check has been endorsed, and I believe you mentioned something last night about some employees handling some of the checks that you did not know about?

A. Senator, that is one of the reasons I hopped right on it this morning. Two or three different endorsements stamps down there.

Q. It was also endorsed by Mary Cassun (Mrs. Mairlie), Deputy, and cashed in the State Treasurer's office?

A. The way I would like to answer that, I would give you a report the first thing in the morning on it—whatever we can find.

Q. Are you familiar with any other payments or checks that have been paid to your office by the Norwich Union Fire Insurance Society, Ltd.?

A. No, sir.

Q. And, the Eagle Fire Insurance Company—as a matter of fact, I assume, Mr. Holmes, you are not familiar with any of these payments that come in?

A. No, I am not evading the answer, but I promise if you give me a memo I will have the information for you the first thing in the morning.

The following is quoted from Holmes' testimony about Mrs. Mairlie's testimony?

Q. John, in questioning some of the witnesses, I asked something like this: Sometime during the spring of 1935, either during February or March, you had occasion to have some checks handed to you by Mr. Holmes, I believe. Would you have any idea as to the approximate number of them? The answer was: I wouldn't say for sure. It might have been thirty or more. The question was: These checks were for \$10.00 each? Answer: Yes. Question: Were you in the office at the time Mr. Holmes gave them to you? Answer: He didn't give them to me. I opened the mail and distributed it. I endorsed them and had them cashed. Question: Who instructed you to do that? Answer: Mr. Holmes. Question: What else did he say besides getting them cashed? Answer: That money was to be divided between Mr. Flaherty and Mr. Holmes to cover the expense of the trip they had taken. Do you remember anything of that kind?

A. No, sir, I don't.

Q. Further questions were asked as to the number of checks. It says that (reading from testimony previously taken). The question: Do you remember any checks coming from other companies? What was done with the money, was it put in the Treasurer's office? Answer: You get hold of Neil Flaherty, he could answer that. Question: Was that quite a bit of money? Answer: Every bit of twenty or thirty companies. Question: At least \$200.00? Answer: Yes. You don't remember getting any money or checks that were cashed and handed to you by any employees?

A. No, sir. I do not.

Q. A further question was asked this witness: All of them, remember were to him in his capacity as State Auditor? Answer: Yes. Question: Did you hand the money that you received from the State Treasurer

to Mr. Holmes? Answer: Yes, sir. Question: Did you make any record in any books of the money you received? Answer: No, sir. The only record was to see that all this money was taken off a small memorandum—crossed off when the money came in. There was no state record kept of it. Do you have any knowledge of any transaction like that?

A. No, sir.

From the foregoing, it is very apparent that this is a very lax and unbusiness like manner of handling funds received by the Department. A system should be installed, whereby a record could be kept of all transactions showing the amount of funds received for such transactions and their disposition.

And referring to the testimony just quoted, Mrs. Mairlie, as the records show had testified that she had cashed about \$300.00 in checks in even amounts of ten dollars each and had handed this money to Mr. Holmes. The Committee was undecided whether or not these checks were for fees or expenses for examinations. If for fees, it would mean a misappropriation of money, as there were no records as to this particular trip in the Auditor's office. Your Committee corresponded with Insurance companies to attempt to arrive at the truth. After carefully going over this correspondence to date we believe these checks were for the expenses of examinations instead of fees. However, in this respect, we wish to point out the laxity of keeping records as far as expenses are concerned regarding examinations made. You will note there is a discrepancy of about two hundred dollars between the testimony of Mr. Flaherty and Mrs. Mairlie as to this particular group of checks referred to.

Before we summarize the activities of the Auditor's office with respect to these examinations and investigations we wish to draw your attention to one more matter. There are two kinds of examinations. One, in which a number of states participate known as a convention examination and the other, in which they are examined directly by the State Auditor's office. In the first type mentioned it has generally been the custom to have a firm of actuaries perform this duty for which they usually bill the company examined twenty-five to thirty-five dollars per diem in addition to expenses. Under the second method the company is examined by the ex-officio Commissioner of Insurance.

Prior to August 1, 1935, Mr. Grabow was employed in the Auditor's office at a salary of \$200.00 per month. During the month of August, 1935, Montana was requested to participate in a conference examination of the St. Paul Fire and Marine Company. Mr. Grabow was permitted to make this examination. He was taken from the payroll and during the time of the examination, acted as a private accountant receiving a fee of \$25.00 per diem and expenses. A total fee of \$1,550.00 was paid to him and in addition the sum of \$637.00 for expenses, or a total sum of \$2,187.00. Soon after his return he was employed at his former salary. We wish to point out that had he remained at work in the Auditor's office his salary would have been approximately \$600.00, or a difference of \$950.00 as salary.

We will quote the testimony of Mr. Grabow and in our summarization recommend changes in this practice:

Q. What salary were you getting when you first went to work?

A. \$200.00 per month.

Q. Is that the salary you are getting now?

A. Yes.

Q. As I understand it, when you would go out on any examination in behalf of the Insurance Department, you would cease to be a state officer, and would go as a state examiner and would get a fee that would be paid by the insurance company for the fees charged?

A. As in the case of the St. Paul Fire and Marine Examination, the State of Minnesota was examining the insurance company, and they requested Mr. Holmes to send someone to assist in the examination, so, of course, I was sent. The fee is set, or agreed upon by the members there in the convention, and, of course, could be objected to by the insurance company and an agreement made between the examiners and the insurance company.

Q. That fee would be fixed when you arrived at the point of examination, and so far as the State Insurance Commissioner is concerned, he did not know anything about the arrangements?

A. That's right.

Q. That's the arrangements you made with Holmes in taking the position?

A. Yes.

Q. What other insurance companies have you examined?

A. The Anchor Casualty Insurance Company in St. Paul.

Q. Was that at a different time?

A. Yes, a year later.

We could quote you pages of testimony as to the laxity in filing receipts, rendering itemized expense accounts and the filing of proper reports, but feel the testimony we have quoted to you is sufficient. In summarizing the activities of the ex-officio Commissioner of Insurance in respect to the examinations and investigations we have the following comments and recommendations to make. We wish to point out that checks for examinations and investigations and also checks for the payment of premiums, taxes and other regular fees payable to the State of Montana are received at the office made payable to the State Auditor or John J. Holmes, exofficio Commissioner of Insurance.

We very respectfully point out unless some method is used in keeping a record of examinations which can be readily examined or audited, it might lead to serious abuses. This Committee has not had the time to check this thoroughly. In fact, it would require a detailed audit to arrive at correct information.

We further point out that this is the business of the State and to properly keep a record, permission should be obtained from the Board of Examiners for such trips. We have made recommendations contained in Senate Bill 195, making this perfectly clear on this particular point. As the testimony shows receipts have not been certified to or properly filed. This is a clear violation of section 166 of the Revised Codes of 1935.

An itemized expense account should be rendered and handled in the proper way regardless of whether the insurance company pays for the examination or not. Whenever money is spent it should be properly accounted for.

Reports of the results of the examination should be properly filed and accessible to everyone. Your Committee has not been able to obtain reports for all examinations made. In this respect we wish to point out that the object for which a trip is made is to examine and investigate an insurance company for a definite purpose and the report of that investigation or examination should be kept and properly filed in all cases. The essence of the law requiring examinations is that the expenses should be borne by the company investigated. This is only fair and no expense whatsoever should accrue to the taxpayers of this State. Whether an examination is made by the Convention method or directly by the Auditor's office, or whether it is made by one employed within that office or one not so employed, the insurance company should be required to pay an amount at least equal to the salary of the examining officer. In this respect we have made definite recommendations as contained in Senate Bill 195.

According to the testimony rendered as to the number of trips taken there is evidently considerable work required pertaining to examinations and investigations. At one time three persons were in California approximately two weeks, and at another time two persons were absent from the office conducting examinations for about two months. If the need is so great for such examinations, it is our opinion that one sufficiently qualified should be assigned to the particular duty.

In conclusion we wish to say the ex-officio Commissioner of Insurance and his deputies extended us every courtesy, every effort was made to assist us in obtaining the information we desired. We have pointed out the laxities and the violation of certain provisions of our statutes in the conduct of affairs of the ex-officio Commissioner of Insurance and his deputies. We believe, since the insurance affairs are of a particular nature, that the work could be conducted more efficiently in a separate department instead of transferring the employees from one department to the other. We believe the conduct of the affairs of the State as regards insurance matter could be handled much more efficiently in a separate department than as part of the office of the State Auditor.

We respectfully submit herewith an itemized statement of the expenses incurred in this investigation, which we marked Exhibit "B".

We, your Committee, respectfully submit this report for your due consideration.

Signed:

GARRISON

Chairman.

CHAPMAN

KROMAN

WHALEY

BJORNEBY

TRANDUM

It was moved by Whaley, duly seconded and carried, that the Committee report be accepted and the committee discharged.

The Speaker signed the following in Open Session: Senate Bills Nos. 188, 145, 164, 153, 152, 141, 137, 135, 136, 128, 95, 103, 91, Senate Joint Memorial Nos. 8, 7 and 5.

### MOTIONS AND RESOLUTIONS

It was moved by Burns, duly seconded and carried, that a mimeographed copy of the report of the Special Investigating Committee on the administration of the State Insurance Act be placed on the desks of the members or if it was not ready in time, that same should be mailed to the members.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 do pass.

MANNING, Vice Chairman.

Report adopted.



The Committee on Engrossing report the following bills considered correctly engrossed: House Bill No. 414 and House Joint Memorials Nos. 9 and 13.

PETERSON (Pondera), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration Senate Bill No. 160, respectfully report as follows: That Senate Bill No. 160 be concurred in.

MANNING, Vice Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day on roll call concurred in the House amendments to: Senate Bills Nos. 92, 67, 172 and 187.

The following House Bills, having this day failed of concurrence in the Senate, are herewith returned to the House: House Bills Nos. 1, 132, 185, 210, 256, 265 and 291.

House Bill No. 337 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in the Senate amendments.

House Bill No. 412 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in the Senate amendments.

The President this day, on motion and at the request of the House, appointed the following Conference Committees to consider Senate amendments: To House Bill No. 38; Page, Campbell and Hollenback. To House Bill No. 159: Garrison, Drumheller and Cooper. To House Bill No. 138: Nass, Keeley and Simmons. To House Bill No. 344: Calder, Angvick and Sullivan (Chouteau). To House Bill No. 212: Hammond, Cotter and Stevens. To House Bill No. 111: Simmons, Plank and Mann. To House Bill No. 196: Kathan, Sullivan (Jefferson) and Campbell. To House Bill No. 102: Harlen, Campbell and Anderson. To House Bill No. 166: Pauline, Swertelle and Starks.

The Senate this day refused to concur in House amendments to Senate Bills, and the President of the Senate, on motion, appointed Conference Committees as follows, and the House is accordingly requested to appoint like committees to act with the Senate: For the consideration of House amendments to Senate Bill No. 156: Stevens, Mann and Simmons. For the consideration of House amendments to Senate Bill No. 113: Montgomery, Baker (Lincoln) and Chapman. For the consideration of House amendments to Senate Bill No. 86: Anderson, Campbell and Groff. For the consideration of House amendments to Senate Bill No. 84: Nass, Smith and Drumheller.

The Senate this day adopted the report of the Joint Conference Committee on Senate amendments to House Bill No. 111.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Bills Nos. 197, 231, 234, 317, 320, 352 and 342.

#### MOTIONS AND RESOLUTIONS

It was moved by McClain, duly seconded and carried, that the Speaker appoint a special committee to draft a bill to provide funds to match W.P.A. grants so that the work of the W.P.A. may be carried on.

The Speaker announced the following committee on the above motion: Minette, Measure, Alvord, McClain, Stortz, Longenecker and Stimatz.

The Speaker announced the following conference committees:

Senate Amendments to House Bill No. 411—Green, Lehrkind and Lambert.

Senate Amendments to House Bill No. 276—Miles, Metlen and Holecek.

Senate Amendments to House Bill No. 146—Anderson (Chouteau), Mackie and Leeson.

Senate Amendments to House Bill No. 94—Metlen, Hamilton and Hoiness.

Mr. Speaker: We, your Committee on Enrolling, report the following bills correctly enrolled: House Bills Nos. 144, 243, 339, 326, 120 and 330.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 243, introduced by me, and find the same to be correct.

LASBY.

I have examined enrolled Substitute House Bill No. 339, introduced by me, and find the same to be correct.

ELLIOTT.

I have examined enrolled House Bill No. 326 and enrolled Substitute House Bill No. 120, introduced by me, and find the same to be correct.

ALVORD.

I have examined enrolled House Bill No. 144, introduced by me, and find the same to be correct.

HEDDEN.

I have examined enrolled House Bill No. 330, introduced by me, and find the same to be correct.

CHATHAM.

House Resolution No. 13. Introduced by Spiegel.

WHEREAS, Supplies and other equipment belonging to the State of Montana for the use of the Legislative Assembly have been removed, lost and damaged between sessions of the Legislative Assembly by other departments and person, causing an expense to the next Session of the Legislative Assembly;

NOW, THEREFORE, BE IT RESOLVED, By the House of the Twenty-fifth Legislative Assembly, that the Sergeant-at-Arms of the House be directed to make a complete inventory of all the furniture, typewriters, supplies and other equipment belonging to the State of Montana for the use of the Legislative Assembly and to cause all of said property to be checked in to the Custodian of the Montana State Capitol, who, after giving his receipt therefor, shall cause same, other than furniture, to be stored and locked in a room in the Capitol Building, and the House supplies being kept separate from the Senate property. The House furniture shall remain in the House Assembly hall, office and committee rooms and shall not be removed therefrom, and the inventory shall describe the furniture in each room or hall of the House; and

BE IT FURTHER RESOLVED, That the House property remain in said rooms until the next meeting of the Legislative Assembly and that the same shall not be removed or used by any other department or person for any period of time whatsoever. That copies of the inventory so made shall be filed with the State Purchasing Agent, Custodian, Sergeant-at-

Arms of the House and Chief Clerk of the House, and the inventory shall be checked back to the Sergeant-at-Arms of the House at the time of the next meeting of the Legislative Assembly.

On motion of Spiegel, duly scconded, report adopted.

### INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, at length, and referred to the Committee on Appropriations:

House Bill No. 417, introduced by Committee on Appropriations: A Bill for an Act entitled: "A supplementary appropriation bill appropriating the sum of twenty-five thousand dollars (\$25,000.00) to pay the mileage and per diem of the members of the Senate and of the Managers appointed by the House of Representatives of the State of Montana for the trial of the Articles of Impeachment preferred against John J. Greene, member of Board of Equalization, and to defray all other expenses incident to said impeachment proceedings."

Speaker Pro Tem in the Chair.

### THIRD READING

The following having been read three several times, history and title agreed to, were disposed of as follows: All appropriation measures having been read at length.

House Bill No. 414 was passed by the following vote:

Ayes: Acher, Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lemmer, Levissee, Lovell, McLeod, Mackie, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Connor, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Waldrop, Wenger. Total 59.

Noes: Mungas. Total 1.

Absent and not voting: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Brennan, Chatham, Daly, D'Ewart, Elliott, Freshman, Haight, Hoiness, Holecek, Ijams, Joffray, Kelson, Lehrkind, Lippard, Longenecker, Love, McClain, McKenna, Manning, Measure, Metcalf, Minette, Mitchell, O'Shea, Padbury, Parker, Peterson (Pondera), Reed, Smith, Stimatz, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Whaley, Wood, Mr. Speaker. Total 42.

House Joint Memorial No. 9 was passed by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Finnegan, Freshman, Haugan, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Levissee, Lippard, Love, Lovell, McLeod, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Tyler, Waldrop, Wenger. Total 67.

Noes: D'Ewart. Total 1.

Absent and not voting: Anderson (Chouteau), Chatham, Cusick, Eggenberger, Elliott, Haight, Hoiness, Holecek, Ijams, Joffray, Kelson, Kruse,

Lehrkind, Longenecker, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Minette, Mitchell, Mulholland, Reed, Smith, Stimatz, Stortz, Stromnes, Toomey, Trandum, Vanek, Whaley, Wood, Mr. Speaker. Total 34.

House Joint Memorial No. 13 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brennan, Burns, Campbell, Chamberlain, Cohen, Grouse, Cruickshank, Daly, D'Ewart, Eggenberger, Freshman, Goodwin, Green, Hardcastle, Haugan, Hedden, Jackson, Joffray, Johnson, Lambert, Lasby, Lemmer, Lippard, Love, McLeod, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 61.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Bloom, Brayman, Chatham, Conner, Cusick, DeDobbeleer, Dougherty, Elliott, Finnegan, Haight, Hamilton, Heavlin, Hess, Hoiness, Holecck, Ijams, Kelson, Kruse, Leeson, Lehrkind, Levisse, Longenecker, Lovell, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Minette, Mitchell, Mungas, Reed, Smith, Stortz, Toomey, Trandum, Wood, Mr. Speaker. Total 41.

Senate Amendments to House Bill No. 80 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hedden, Hess, Jackson, Joffray, Lasby, Leeson, Lemmer, Lippard, Love, McLeod, Mackie, Masterson, Waldrop, Metlen, Miller (Roosevelt), Miller (Big Horn), Mulholland, Mungas, Nelson, O'Shea, Padbury, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Waldrop. Total 62.

Noes: O'Connor. Total 1.

Absent and not voting: Alvord, Anderson (Chouteau), Chatham, Cusick, Finnegan, Haight, Haugan, Hoiness, Holecck, Ijams, Johnson, Kelson, Kruse, Lambert, Lehrkind, Levisse, Longenecker, Lovell, McClain, McKenna, Manning, Measure, Metcalf, Miles, Minette, Mitchell, Monahan, Parker, Reed, Schneider, Smith, Stortz, Stromnes, Toomey, Trandum, Wenger, Whaley, Wood, Mr. Speaker. Total 39.

Senate Amendments to House Bill No. 263 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Elliott, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Jackson, Johnson, Lasby, Lippard, Love, Mackie, Masterson, Metlen, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Shanley, Sherman, Sorte, Spiegel, Tyler, Vanek, Waldrop. Total 54.

Noes: Campbell, D'Ewart, McLeod, Miles, Scofield, Stimatz. Total 6.

Absent and not voting: Alvord, Anderson (Chouteau), Bloom, Brennan, Conner, Cusick, Finnegan, Haight, Heavlin, Hedden, Hoiness, Holecck, Ijams, Joffray, Kelson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Levisse, Longenecker, Lovell, McClain, McKenna, Manning, Measure, Metcalf,



Minette, Mitchell, O'Connor, Reed, Scott, Smith, Stortz, Stromnes, Toomey, Trandum, Wenger, Whaley, Wood, Mr. Speaker. Total 42.

Senate Amendments to House Bill No. 233 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Lippard, Love, McLeod, Mackie, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Sorte, Spiegel, Stimatz, Tyler, Vanek, Whaley. Total 63.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Anderson (Lincoln), Bower, Brayman, Cusick, Dougherty, Haight, Hamilton, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levissee, Longenecker, Lovell, McClain, McKenna, Manning, Measure, Metcalf, Minette, Mitchell, O'Connor, Reed, Scott, Smith, Stortz, Stromnes, Toomey, Trandum, Waldrop, Wenger, Wood, Mr. Speaker. Total 39.

Senate Amendments to House Bill No. 40 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Brayman, Brennan, Chamberlain, Conner, Crouse, Daly, DeDobbeleer, Eggenberger, Freshman, Green, Haugan, Heavlin, Johnson, Love, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mungas, O'Connor, O'Shea, Padbury, Phelan, Scofield, Sorte, Stimatz, Trandum, Tyler, Sherman, Parker. Total 35.

Noes: Anderson (Lincoln), Burns, Campbell, Cohen, Dougherty, Finnegan, Goodwin, Hamilton, Hardcastle, Hess, Ijams, Lambert, Lasby, Lemmer, McLeod, Mackie, Mulholland, Nelson, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scott, Spiegel, Vanek, Waldrop, Wenger, Whaley. Total 28.

Absent and not voting: Alvord, Anderson (Chouteau), Bloom, Bower, Chatham, Cruickshank, Cusick, Elliott, Haight, Hedden, Hoiness, Holecek, Jackson, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Manning, Measure, Metcalf, Metlen, Minette, Mitchell, Reed, Shanley, Smith, Stortz, Stromnes, Toomey, Wood, Mr. Speaker. Total 38.

Passed their vote: D'Ewart. Total 1.

Senate Amendments to House Bill No. 209 were concurred in by the following vote:

Ayes: Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bloom, Bower, Burns, Campbell, Chamberlain, Cohen, Conner, Daly, DeDobbeleer, Dougherty, Eggenberger, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Mackie, Masterson, Miles, Miller (Roosevelt), Monahan, Mulholland, Peterson (Sheridan), Phelan, Schneider, Scofield, Sherman, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 43.

Noes: Anderson (Lincoln), Brennan, D'Ewart, Lovell, McLeod, Miller (Big Horn), Nelson, O'Connor, O'Shea, Padbury, Peterson (Pondera), Scott, Spiegel, Trandum. Total 14.

Absent and not voting: Acher, Alvord, Anderson (Chouteau), Brayman, Chatham, Crouse, Cruickshank, Cusick, Elliott, Freshman, Haight,

Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levi-see, Lippard, Longenecker, Love, McClain, McKenna, Manning, Measure, Metcalf, Metlen, Minette, Mitchell, Mungas, Parker, Reed, Ruffcorn, Shanley, Smith, Sorte, Stimatz, Stortz, Stromnes, Toomey, Wood, Mr. Speaker. Total 44.

Passed their vote: Finnegan. Total 1.

Senate Amendments to Substitute House Bill No. 156 were concurred in by the following vote:

Ayes: Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Lippard, Lovell, McLeod, Masterson, Miller (Roosevelt), Mulholland, Nelson, O'Connor, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Scott, Sherman, Spiegel, Trandum, Tyler, Vanek, Waldrop, Whaley. Total 52.

Noes: D'Ewart, Miller (Big Horn), Monahan, Mungas, O'Shea, Padbury. Total 6.

Absent and not voting: Acher, Alvord, Anderson (Chouteau), Bjerneby, Bloom, Burns, Conner, Cusick, Dougherty, Eggenberger, Haight, Hedden, Hoiness, Holecek, Jackson, Joffray, Kelson, Kruse, Leeson, Levi-see, Longenecker, Love, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Minette, Mitchell, Reed, Ruffcorn, Shanley, Smith, Sorte, Stimatz, Stortz, Stromnes, Toomey, Wenger, Wood, Mr. Speaker. Total 44.

House Joint Resolution No. 3 was passed by the following vote:

Ayes: Acher, Anderson (Silver Bow), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Lambert, Lehrkind, Lemmer, Lippard, Love, Lovell, McKenna, McLeod, Masterson, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger. Total 62.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Cusick, Daly, DeDobbeleer, Haight, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Lasby, Leeson, Levi-see, Longenecker, McClain, Mackie, Manning, Measure, Metcalf, Metlen, Miles, Minette, Mitchell, O'Connor, Padbury, Reed, Shanley, Smith, Stimatz, Stortz, Stromnes, Toomey, Whaley, Wood, Mr. Speaker. Total 39.

Passed their vote: Mungas. Total 1.

Senate Amendments to House Joint Memorial No. 11 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Love, Lovell, McLeod, Miles, Miller (Roosevelt), Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 60.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Bloom, Brayman, Brennan, Chatham, Conner, Cusick, Haight, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Levissee, Lippard, Longenecker, McClain, McKenna, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, Mitchell, O'Connor, O'Shea, Peterson (Pondera), Reed, Shanley, Smith, Stimatz, Stortz, Stromnes, Toomey, Wood, Mr. Speaker. Total 42.

Senate Amendments to House Bill No. 201 were concurred in by the following vote:

Ayes: Acher, Anderson (Sliver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Lippard, Love, Lovell, McLeod, Masterson, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Sorte, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger. Total 65.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Brennan, Burns, Chatham, Cusick, Elliott, Haight, Haugan, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Levissee, Longenecker, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Metlen, Minette, O'Connor, O'Shea, Shanley, Smith, Spiegel, Stortz, Stromnes, Toomey, Whaley, Wood, Mr. Speaker. Total 37.

Senate Amendments to House Bill No. 322 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Ijams, Jackson, Lambert, Lasby, Lemmer, Lovell, McLeod, Mackie, Masterson, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley. Total 63.

Noes: Mungas, Stimatz. Total 2.

Absent and not voting: Alvord, Anderson (Chouteau), Anderson (Phillips), Chatham, Conner, Crouse, Cusick, Haight, Heavlin, Hedden, Hoiness, Holecek, Joffray, Johnson, Kelson, Kruse, Leeson, Lehrkind, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Manning, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, Phelan, Smith, Stortz, Stromnes, Toomey, Wood, Mr. Speaker. Total 37.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Finnegan in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bills Nos. 289, 343, 246, 88 and 337 be not concurred in and conference committees be appointed in the House and like committees requested from the Senate.

That Senate Amendments to House Bills Nos. 357, 396 and 412 be concurred in.

FINNEGAN, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Conference Committee on House Bill No. 344 this day reported that they could not agree with the House committee and asked to be discharged and a new committee appointed, which request was granted; whereupon the President, on motion appointed the following Senators to act as such new Conference Committee: Smith, Oliver and Foor.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your conference committee, appointed to act with a like committee from the Senate on Senate Amendments to House Bill No. 344, respectfully report as follows: That we cannot agree and request that the committee be discharged and a new committee be appointed, and a like committee be requested from the Senate to act.

HOLECEK,  
EGGENBERGER,  
ELLIOTT.

It was moved by Minette, duly seconded and carried, that the report of the Conference Committee on Senate Amendments to House Bill No. 344 be adopted.

The Speaker appointed the new committee on Senate Amendments to House Bill No. 344 as follows: Holecek, Bloom and Chamberlain.

#### MOTIONS AND RESOLUTIONS

It was moved by Ruffcorn, duly seconded, that the House reconsider its action on House Bill No. 415. After considerable discussion, the previous question was moved by Chatham, duly seconded and carried. Whereupon motion by Ruffcorn carried.

It was moved by Minette, duly seconded and carried, that House Bill No. 415 be referred to the Special Committee appointed for the consideration of the affairs of the W. P. A.

The Speaker appointed the following conference committees:

On House Amendments to Senate Bill No. 113—Scott, Eggenberger and Cohen.

On House Amendments to Senate Bill No. 84—Mitchell, Longenecker, and Masterson.

On House Amendments to Senate Bill No. 86—Peterson (Pondera), Anderson (Phillips), and Ruffcorn.

On House Amendments to Senate Bill No. 156—Miller (Big Horn), Bjorneby, and O'Connor.

On Senate Amendments to House Bill No. 289—Campbell, Lehrkind, and Padbury.

On Senate Amendments to House Bill No. 88—Kruse, Hedden and Cusick.



On Senate Amendments to House Bill No. 343—Mulholland, McLeod and Chamberlain.

It was moved by Spiegel, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

### EVENING SESSION

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee on Enrolling, report the following bills correctly enrolled: House Bills Nos. 335, 319, 312, 324, 409, 323, 316, 245 and 229.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bills Nos. 245, 316, 323, 409, 324, 312 and 319, introduced by me, and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 229, introduced by me, and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 335, introduced by me, and find the same to be correct.

NELSON.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 150, 127, 104, 98, 83, 6, 78, 193, Substitute Senate Bill No. 90, House Bills Nos. 335, 319, 324, 409, 323, 316, 245, 229 and 312.

### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your conference committee, appointed to consider Senate Amendments to House Bill No. 166 report as follows: The House accedes to all Senate amendments.

ANDERSON (Chouteau),  
MACKIE,  
LEESON,

For the House.

BAKER (Dawson),  
SWERTELLE,  
STARKS,

For the Senate.

On motion, duly seconded, report of Conference Committee on Senate Amendments to House Bill No. 166, was adopted by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Johnson, Lasby, Leeson, Lemmer, Lippard, Lovell, McLeod, Mackie, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Spiegel, Stimatz, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Conner, Mr. Speaker. Total 67.

Noes: O'Connor. Total 1.

Absent and not voting: Acher, Anderson (Chouteau), Brennan, Chatham, Cusick, Green, Haight, Hoiness, Holecek, Joffray, Kelson, Kruse, Lambert, Lehrkind, Levissee, Longenecker, Love, McClain, McKenna, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Ruffcorn, Sherman, Smith, Sorte, Stortz, Stromnes, Toomey, Whaley. Total 34.

Mr. Speaker: We, your Joint Conference Committee, having had under consideration House Bill No. 111, respectfully report as follows: That the House accedes to the Senate Amendments to said House Bill No. 111.

SCHNEIDER,  
ALVORD,  
HOINESS,  
For the House.

SIMMONS,  
PLANK,  
MANN,  
For the Senate.

On motion, duly seconded the conference committee report was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Burns, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Freshman, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Mackie, Miles, Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Schneider, Scofield, Scott, Spiegel, Stromnes, Trandum, Tyler, Vanek, Whaley, Wood, Mr. Speaker. Total 61.

Noes: Chatham, Finnegan, Ijams, McLeod, Padbury, Shanley, Stimat, Wenger. Total 8.

Absent and not voting: Bjerneby, Brennan, Campbell, Cusick, Elliott, Goodwin, Haight, Hoiness, Holecck, Kelson, Kruse, Lehrkind, Levissee, Longecker, Love, Lovell, McClain, McKenna, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Minette, Reed, Ruffcorn, Sherman, Smith, Sorte, Stortz, Toomey, Waldrop. Total 33.

Mr. Speaker: We, your committee on Special Relief investigation, have had several cases of relief before us, and have been awaiting more cases which were to be submitted by the Workers Alliance, which we did not receive. Such cases that we have considered have been assured that there is ample money to take care of such cases, and being assured by relief administrators that they would take care of such cases.

At present we find that there is a critical situation likely to exist unless legislation is proposed on the many people on W. P. A. and relief, unless we have legislation designed to meet this emergency.

The following is our further findings, after having been in conference with our Relief Administrators, and we hereby recommend that some action shall be considered by this body to take care of the needy and unemployed people of the state on relief:

"That the Montana Relief Commission has already received notification from Washington, D. C., that on and after the 15th day of March, the Works Progress Administration will make no expenditures for surplus commodities projects, except those under direct relief; and that the state will be obligated to pay all non-relief costs. This is an indication of the action which will no doubt be taken shortly for all other W. P. A. projects.

From January 1st, 1933 to January 1st, 1935, a report from Washington shows an expenditure of Twenty-two million, five hundred thousand dollars (\$22,500,000), by the Federal government for relief for the State of Montana. In the same period of time, the same report shows that the counties expended for the state of Montana two million five hundred thousand dollars (\$2,500,000) for relief; and the state of Montana expended an amount of four hundred fifty thousand dollars (\$450,000).

Whereas, it is known that the Montana Relief Commission did not have sufficient funds to adequately certify the needy people in the State of Montana; the result is that it is costing the State of Montana an amount considerably in excess of the amount that will be necessary for administrative cost in general relief. While there are at the present time eleven thousand five hundred (11,500) employed on W. P. A., and some seven thousand (7000) eligible for relief employed on W. P. A., who are receiving relief from the State.

That by the expenditure of a few thousand dollars a month for administrative costs, it is felt that from two-thirds to one-half of the direct relief load of the State could be transferred to W. P. A., to places which could be vacated on W. P. A. by proper revaluation of the W. P. A. work load. In addition, if the state could definitely certify to the Federal government that all non-eligible persons have been dropped from W. P. A., and the employable relief load absorbed, the state of Montana would have a greater opportunity to get an increased quota.

Our average for unemployable cases has for some time been \$30.77 per case. On this basis the seven thousand persons would cost the state, if money were available, Two hundred ten thousand dollars (\$210,000) at least One hundred fifty thousand dollars (\$150,000) of that could possibly be saved by a proper revaluation of W. P. A. case load and transfer of cases.

And we further recommend, that by virtue of the recent instructions given to Joseph Parker, W. P. A. administrator of the state of Montana, that hereafter sponsors will be required to furnish all materials and equipment to sponsor W. P. A. projects—that some appropriate legislation be passed while this legislature is now in session, for the reason that unless the Works Progress Administration have projects to work on in any particular city or county, they can not expend any money without a project. The result in such instances would be that the entire relief load of the people in that community now working on W. P. A. would become the relief problem of the county in which they reside, and the Montana Relief Commission. For example: In Custer County the W. P. A. is now expending to some five hundred people, an amount of Twenty-five thousand dollars (\$25,000) a month. If projects did not exist in that community the entire relief load would have to be for and by Custer County or the Montana Relief Commission, which no doubt would work a hardship both on the relief people in that community, likewise the taxpayers of both Custer County, and other counties having like projects in the State.

We, your Committee ask to be discharged.

MITCHELL (Chairman),  
REED.

It was moved by Mitchell, duly seconded and carried, that the above report be adopted.

It was moved by Burns, duly seconded and carried, that a mimeographed copy of the report be placed on the desks of the members, or if it should not be completed before the end of the Session, that same be mailed to the members.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day, on motion duly seconded and carried, requests the House to return House Bill No. 256 to the Senate for further consideration.

The request of the House for the return of Senate Bill No. 110 was this day, on motion, granted, and bill is herewith returned to the House.

The Senate this day adopted the reports of the Joint Conference Committees on Senate amendments to: House Bills Nos. 229, 167 and 226.

Respectfully,  
 GEORGE A. BURR,  
 Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried, that the request of the Honorable Senate for the return of House Bill No. 256 be granted.

It was moved by Stromnes, duly seconded and carried, that Senate Bill No. 110 be placed on General Orders.

### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Conference Committee on Senate Amendments to House Bill No. 411, respectfully report as follows: The Senate recedes from its amendment striking out lines 3 to 6 inclusive on page 2 of the original bill and the House concurs in all other Senate amendments.

LEHRKIND,  
 GREEN,  
 LAMBERT,  
 For the House.

WASS,  
 PAULINE,  
 SMITH,  
 For the Senate.

### Statement

This leaves the appropriation in for the Special Attorney General for Legislature in the amount of \$250.00 and strikes out the appropriation for Timber Sales \$870,000 and for maintenance of trainees, tuition and expenses in the amount of \$2,000.00.

LEHRKIND.

On motion, duly seconded, conference committee report on Senate Amendments to House Bill No. 411 was adopted by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lovell, McLeod, Mackie, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Scofield, Scott, Shanley, Sorte, Stimatz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 70.

Noes: None.

Absent and not voting: Alvord, Anderson (Chouteau), Campbell, Cusick, Haight, Heavlin, Hoiness, Holecek, Joffray, Kelson, Lemmer, Levi-see, Lippard, Longenecker, Love, McClain, McKenna, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Big Horn), O'Connor, Peterson (Pondera), Ruffcorn, Schneider, Sherman, Smith, Spiegel, Stortz, Toomey. Total 32.

### THIRD READING

The following having been read three several times were disposed of as follows:



Senate Amendments to House Bill No. 357 were concurred in by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Chamberlain, Chatham, Conner, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Jackson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Love, McLeod, Mackie, Manning, Miller (Roosevelt), Mitchell, Mulholland, Mungas, Nelson, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scott, Shanley, Sorte, Spiegel, Trandum, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 65.

Noes: Haugan, Lambert, Stimatz. Total 3.

Absent and not voting: : Alvord, Anderson (Chouteau), Campbell, Haight, Hedden, Hoiness, Holecek, Joffray, Johnson, Kelson, Levissee, Lippard, Longenecker, Lovell, McClain, McKenna, Masterson, Measure, Metcalf, Metlen, Miles, Miller (Big Horn), Minette, Monahan, O'Connor, O'Shea, Ruffcorn, Scofield, Sherman, Smith, Stortz, Stromnes, Toomey, Whaley. Total 34.

Senate Amendments to House Bill No. 396 were concurred in by the following vote:

Ayes: Acher, Anderson (Phillips), Anderson (Silver Bow), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Breenan, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hess, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lemmer, McLeod, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Sorte, Spiegel, Trandum, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 66.

Noes: Stimatz. Total 1.

Absent and not voting: Alvord, Anderson (Chouteau), Campbell, Cruickshank, Haight, Heavlin, Hedden, Hoiness, Holecek, Joffray, Kelson, Lambert, Lehrkind, Levissee, Lippard, Longenecker, Love, Lovell, McClain, McKenna, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, O'Connor, Peterson (Pondera), Ruffcorn, Sherman, Smith, Stortz, Stromnes, Toomey, Tyler, Whaley. Total 35.

Senate Amendments to House Bill No. 412 were concurred in by the following vote:

Ayes: Acher, Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Heavlin, Hedden, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lemmer, Manning, Masterson, Miller (Roosevelt), Minette, Mungas, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Scofield, Scott, Shanley, Sorte, Stortz, Stromnes, Trandum, Tyler, Vanek, Wenger, Wood, Mr. Speaker. Total 54.

Noes: Anderson (Silver Bow), Burns, Chamberlain, DeDobbeleer, Hess, Lambert, Lovell, McLeod, Mackie, Miles, Mitchell, Monahan, Mulholland, Nelson, Peterson (Pondera), Spiegel, Stimatz, Whaley. Total 18.

Absent and not voting: Alvord, Anderson (Chouteau), Campbell, Chatham, Cusick, Haight, Hamilton, Haugan, Hoiness, Holecek, Joffray, Kelson, Lehrkind, Levissee, Lippard, Longenecker, Love, McClain, McKenna, Measure, Metcalf, Metlen, Miller (Big Horn), O'Connor, Ruffcorn, Schneider, Sherman, Smith, Toomey, Waldrop. Total 30.

## CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Hamilton in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That Senate Bill No. 110 be not concurred in.

HAMILTON, Chairman.

Report adopted.

The Speaker appointed the conference committee on Senate Amendments to House Bill No. 337 as follows: Alvord, Padbury and Shanley.

## MOTIONS AND RESOLUTIONS

It was moved by Levissee, duly seconded that the House reconsider its action on the impeachment of Judge Greene. A call of the House was demanded by the required number. On motion of Stromnes call of the House was dispensed with. The previous question was moved by Kruse, duly seconded and carried. A roll call to be entered in the Journal was demanded. Motion of Levissee was carried by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bloom, Bower, Brayman, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Dougherty, Elliott, Goodwin, Hamilton, Heavlin, Ijams, Jackson, Lasby, Lehrkind, Lemmer, Levissee, Love, Lovell, McLeod, Masterson, Metlen, Minette, Mitchell, O'Shea, Parker, Peterson (Pondera), Reed, Schneider, Scott, Shanley, Sorte, Stromnes, Tyler, Wenger. Total 42.

Noes: Anderson (Phillips), Anderson (Lincoln), Bjerneby, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Finnegan, Freshman, Green, Hardcastle, Haugan, Hedden, Hess, Holecek, Johnson, Kruse, Lambert, Longenecker, McKenna, Manning, Measure, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, O'Connor, Ruffcorn, Spiegel, Stimatatz, Stortz, Trandum, Vanek, Waldrop, Whaley, Wood. Mr. Speaker. Total 41.

Absent and not voting: Anderson (Chouteau), Kelson, Lippard, Sherman, Toomey. Total 5.

Passed their vote: Haight, Hoiness, Joffray, Leeson, McClain, Mackie, Metcalf, Miller (Big Horn), Mulholland, Padbury, Peterson (Sheridan), Phelan, Scofield, Smith. Total 14.

It was moved by Haight, duly seconded and carried, that the Committee investigating the Montana Relief Commission be discharged.

It was moved by Kruse, duly seconded and carried, that he be excused from the Committee investigating the Silver Bow election conditions.

It was moved by Haight, duly seconded and carried, that the Board of Managers appointed on the Impeachment Proceedings be discharged.

It was moved by Levissee and duly seconded that the Resolution of Impeachment be not adopted. A Call of the House was demanded by the required number. A roll call to be entered in the Journal was demanded, by the required number. The motion by Levissee lost by the following vote:

Ayes: Acher, Alvord, Anderson (Silver Bow), Bloom, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Dougherty, Elliott, Goodwin, Hamilton, Heavlin, Ijams, Jackson, Lasby, Lehrkind, Lemmer, Levissee, Love, Lovell, McLeod, Masterson, Metlen, Minette, Mitchell, O'Shea, Parker,

Peterson (Pondera), Reed, Schneider, Scott, Shanley, Sorte, Stromnes, Tyler, Wenger, Cruickshank. Total 40.

Noes: Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Finnegan, Freshman, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Johnson, Kruse, Lambert, Longenecker, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, O'Connor, Ruffcorn, Smith, Spiegel, Stimatz, Stortz, Trandum, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 49.

Absent and not voting: Leeson, Lippard, Sherman, Toomey. Total 4.

Passed their vote: Crouse, Joffray, Kelson, Miller (Big Horn), Mulholland, Padbury, Peterson (Sheridan), Phelan, Scofield. Total 9.

It was moved by Measure, duly seconded, that the House adopt the impeachment resolution. A roll call to be entered in the Journal was demanded by the required number. The motion carried by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Burns, Chamberlain, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Finnegan, Freshman, Green, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Johnson, Kruse, Lambert, Leeson, Longenecker, McClain, McKenna, Mackie, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, Ruffcorn, Smith, Spiegel, Stimatz, Stortz, Trandum, Vanek, Waldrop, Whaley, Wood, Mr. Speaker. Total 51.

Noes: Acher, Alvord, Bloom, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Cruickshank, Dougherty, Elliott, Goodwin, Hamilton, Heavlin, Ijams, Jackson, Lasby, Lehrkind, Lemmer, Levissee, Lovell, McLeod, Masterson, Metlen, Minette, Mitchell, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Scott, Shanley, Sorte, Stromnes, Tyler, Wenger. Total 39.

Absent and not voting: Kelson, Lippard, Love, O'Connor, Sherman, Toomey. Total 6.

Passed their vote: Joffray, Miller (Big Horn), Mulholland, Padbury, Phelan, Scofield. Total 6.

It was moved by Spiegel, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M., Thursday morning, March 4th, 1937.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.

---

## SIXTIETH DAY

House of Representatives,  
Helena, Montana.  
March 4th, 1937.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair. Invocation by Chaplain.

On roll call all members present except the following: Absent: Sorte, Toomey. Excused: Kelson.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Fifty-ninth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 158, 151, 133 and 112.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee appointed to confer with a like Committee from the Senate on House Bill No. 94 respectfully report as follows: That we agree to the Senate Amendments and recommend that as amended House Bill No. 94 be concurred in.

METLEN,  
HAMILTON,  
HOINESS,

For the House.

SULLIVAN of Chouteau,  
WASS,  
ECTON,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 94 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Daly, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lemmer, Lippard, Longenecker, McClain, McKenna, McLeod, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stimatz, Stromnes, Trandum, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 76.

Noes: None.

Absent and not voting: Chatham, Cruickshank, Cusick, DeDobbeleer, Elliott, Green, Haight, Hess, Holecek, Joffray, Kelson, Kruse, Lehrkind, Levisse, Love, Lovell, Manning, Measure, Miller (Big Horn), Minette, Padbury, Parker, Peterson (Pondera), Sorte, Stortz, Toomey. Total 26.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 417 respectfully report as follows: That House Bill No. 417 do pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report of the committee be adopted. On substitute motion, it was moved by Stromnes, duly seconded, that further action on House Bill No. 417 be indefinitely postponed. A Call of the House was demanded. On motion of Spiegel, duly seconded and carried, further call of the House was dispensed with. A Roll call was demanded, to be entered in the Journal, and the motion of Stromnes lost by the following vote:

Ayes: Acher, Alvord, Bloom, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Dougherty, Elliott, Goodwin, Hamilton, Heavlin, Ijams, Lasby, Leeson, Lehrkind, Lemmer, Levisse, Lippard, Love, Lovell, McLeod, Mackie, Masterson, Metlen, Miller (Big Horn), Minette, Mitchell, Mulholland, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Scofield, Scott, Shanley, Sorte, Stromnes, Tyler, Vanek, Waldrop, Wenger. Total 49.



Noes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Finnegan, Freshman, Green, Trandum, Haight, Hardcastle, Haugan, Hedden, Hess, Hoiness, Holecek, Jackson, Joffray, Johnson, Kruse, Lambert, Longenecker, McClain, McKenna, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, Padbury, Phelan, Ruffcorn, Sherman, Smith, Spiegel, Stimatz, Stortz, Whaley, Wood, Mr. Speaker. Total 51.

Absent and not voting: Kelson, Toomey. Total 2.

#### MESSAGES FROM THE GOVERNOR AND SENATE

The Governor advised that he had on this day approved the following House measures: House Bills Nos. 89, 143, 163, 192, 193, 271 and 286.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

No action being taken on House Bill No. 157, upon motion, the bill is herewith returned to the House.

The following House Bills were this day read third time and concurred in, title and history agreed to, and bills are herewith returned to the House: House Joint Resolution No. 4, House Joint Memorial No. 13, House Bills Nos. 86 and 394.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed by the Speaker to consider House Bill No. 343, wish to report that the Senate Committee refused to act with this Committee and ask that the Senate be asked to appoint a new Committee to act in conjunction with the House Conference Committee.

MULHOLLAND,

McLEOD,

For the House.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Holecek, duly seconded and carried, that the report of the Special Committee on the Investigation of alleged election frauds in Silver Bow County be made a Special Order of Business at 2:00 o'clock P. M.

It was moved by Spiegel, duly seconded, that the House reconsider its action on House Bill No. 412. On substitute motion, it was moved by Minette, duly seconded, that the motion of Spiegel be laid on the table. Motion lost. Whereupon motion by Spiegel carried.

It was moved by Spiegel, duly seconded and carried, that Senate Amendments to House Bill No. 412 be recalled from the Committee on Enrolling and placed on General Orders.

It was moved by Minette, duly seconded, that he be relieved as Chairman of the Special Committee appointed to draft a bill to meet W. P. A. federal grant requirements, as they were unable to make progress.

On substitute motion, it was moved by Longenecker, duly seconded and carried, that the entire committee be discharged.

It was moved by Brennan, duly seconded, that the Speaker appoint a Committee to take the place of the one just excused, on House Bill No. 415.

On substitute motion, it was moved by Longenecker, duly seconded, that House Bill No. 332 be revived and that a committee be appointed to work over that bill so through that bill the W. P. A. projects may be sponsored in Montana. As a substitute motion, it was moved by McLeod, duly seconded and carried, that the motion of Longenecker be laid on the table.

Whereupon motion by Brennan to appoint a new committee on House Bill No. 415 was put and carried.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

O'Connor in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole having had under consideration bills on General Orders, recommend:

That Senate Amendments to House Bill No. 412 be not concurred in and that a Conference Committee be appointed and a like Committee requested from the Senate.

O'CONNOR, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Bill No. 416 correctly printed.

MACKIE, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

### AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

### SPECIAL ORDER OF BUSINESS

The Chief Clerk commenced the reading of the report of the special committee investigation of Silver Bow election frauds. As the report was very long and there was other business coming up, the Speaker declared a recess, and that the reading of the report would be completed later in the day.

The Speaker appointed the following Committees: Special Committee on House Bill No. 415, Brennan, Measure, McClain, Stortz and Manning. Conference Committee on Senate Amendments to House Bill No. 412, Minette, Spiegel and Mungas. Conference Committee on Senate Amendments to House Bill No. 379, Crouse, Scofield and Masterson.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion duly seconded and carried, re-

quests the House to return House Bill No. 241 to the Senate for further consideration.

Respectfully, GEORGE A. BURR,  
Secretary of the Senate.

### MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded and carried, that the request of the Honorable Senate for the return of House Bill No. 241 be granted.

The Speaker signed the following measures in Open Session: Senate Bills Nos. 172, 67, 93, 130, 143, 174, 194, 178, 165 and 154.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 9, by Committee on Education, was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House.

Respectfully, GEORGE A. BURR,  
Secretary of Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day on roll call adopted the reports of the Joint Conference Committees on Senate amendments to House Bill Nos. 166, 411 and 156.

The President of the Senate this day, on motion and at the request of the House, appointed the following Conference Committees:

For the consideration of Senate Amendments to House Bill No. 276: Page, Meyer and Robinson.

For the consideration of Senate amendments to House Bill No. 411: Wass, Smith and Pauline.

For the consideration of Senate amendments to House Bill No. 94: Sullivan (Chouteau), Wass and Ecton.

For the consideration of Senate amendments to House Bill No. 168: Plank, Groff and Campbell.

For the consideration of Senate amendments to House Bill No. 146: Benjamin, Waite and Wass.

For the consideration of Senate amendments to House Bill No. 379: Wass, Groff and Tierney.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate Bill No. 84, introduced by Nass, respectfully report as follows: We recommend that all previous amendments be removed, and we further recommend that Section 1, line 15 of the original bill, be amended by striking out the words "the particular property assessed", and insert in lieu thereof the words "any or all of such property".

MITCHELL,  
LONGENECKER,  
MASTERSON,  
For the House.

NASS,  
DRUMHELLER,  
SMITH,  
For the Senate.

It was moved by Mitchell, duly seconded, that the report of the Conference committee be adopted. On substitute motion, it was moved by Minette, duly seconded and carried, that the conference committee report be not adopted and a new conference committee be appointed in the House and a like Committee requested from the Senate.

Mr. Spaker: We, your Joint Conference Committee, having had under consideration Senate Bill No. 86 respectfully report that the House recedes from House amendments to Senate Bill No. 86.

PETERSON of Pondera,  
ANDERSON of Phillips,  
For the House.

ANDERSON,  
GROFF,  
CAMPBELL,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on House Amendments to Senate Bill No. 86 adopted by the following vote:

Ayes: Acher, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Chatham, Cohen, Conner, Crouse, Cruickshank, D'Ewart, Elliott, Freshman, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Lippard, Longenecker, Love, Mackie, Manning, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mungas, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Scott, Smith, Spiegel, Stromnes, Tyler, Vanek, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 57.

Noes: Daly, Ruffcorn, Stimatz. Total 3.

Absent and not voting: Alvord, Anderson (Chouteau), Brennan, Campbell, Chamberlain, Cusick, DeDobbeleer, Dougherty, Eggenberger, Finnegan, Goodwin, Green, Haight, Hess, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levissee, Lovell, McClain, McKenna, McLeod, Masterson, Measure, Metlen, Mitchell, Mulholland, Nelson, Peterson (Pondera), Reed, Schneider, Scofield, Shanley, Sherman, Sorte, Stortz, Toomey, Trandum. Total 42.

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate Bill No. 113, respectfully report as follows: That the House recedes from the House amendments.

SCOTT,  
EGGENBERGER,  
COHEN,  
For the House.

MONTGOMERY,  
BAKER,  
CHAPMAN,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on House amendments to Senate Bill No. 113 was adopted, by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Freshman, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Ijams, Jackson, Johnson, Lambert, Lasby, Lemmer, Lippard, Longenecker, Love, McKenna, Mackie, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Ruffcorn, Schneider, Scott, Shanley, Smith, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 54.

Noes: Stimatz. Total 1.



Absent and not voting: Alvord, Anderson (Silver Bow), Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cusick, DeDobbeleer, Dougherty, Eggenberger, Elliott, Finnegan, Goodwin, Green, Hess, Hoiness, Holecek, Joffray, Kelson, Kruse, Leeson, Lehrkind, Levissee, Lovell, McClain, McLeod, Manning, Masterson, Measure, Metlen, Miles, Minette, Mulholland, O'Shea, Peterson (Pondera), Reed, Scofield, Sherman, Sorte, Spiegel, Stortz, Toomey, Trandum, Whaley. Total 47.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 321 respectfully report as follows: That House Bill No. 321 do pass.

MANNING, Chairman.

It was moved by Manning, duly seconded, that the report of the committee be adopted. On substitute motion, it was moved by Smith, duly seconded and carried, that further action on House Bill No. 321 be indefinitely postponed.

#### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to consider Senate Amendments to House Bill No. 88 respectfully report that your Conference Committee is unable to agree and request that your committee be discharged and a new committee appointed.

KRUSE,  
CUSICK,  
HEDDEN,  
For the House.

PAGE,  
KELLEY,  
SMITH,  
For the Senate.

Report adopted.

Mr. Speaker: We, your Conference Committee appointed by the Senate, having had under consideration Senate Amendments to House Bill No. 159 respectfully report that the Conference Committee concurs in Senate Amendments to House Bill No. 159 and agrees to one per cent.

SPIEGEL,  
KRUSE,  
METLEN,  
For the House.

GARRISON,  
COOPER,  
DRUMHELLER,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 159 was adopted, by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Bjorneby, Bloom, Bower, Chamberlain, Chatham, Cohen, Conner, Cruickshank, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Finnegan, Freshman, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Love, McClain, McKenna, Mackie, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Sherman, Smith, Spiegel, Stromnes, Tyler, Vanek, Waldrop, Wenger. Total 66.

Noes: Anderson (Lincoln), McLeod, Peterson (Sheridan), Ruffcorn, Scott, Stimatz, Mr. Speaker. Total 7.

Absent and not voting: Alvord, Anderson (Phillips), Brayman, Brennan, Burns, Campbell, Crouse, Daly, Elliott, Goodwin, Green, Haight, Hamilton, Joffray, Johnson, Kelson, Lippard, Longenecker, Lovell, Manning, Miles, Scofield, Shanley, Sorte, Stortz, Toomey, Trandum, Whaley, Wood. Total 29.

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 80, 30, 314 and 413.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 314, introduced by me, and find the same to be correct.

McCLAIN.

I have examined enrolled House Bill No. 413, introduced by me, and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 30, introduced by me, and find the same to be correct.

LEMMER.

I have examined enrolled House Bill No. 80, introduced by me, and find the same to be correct.

PHELAN.

The Speaker signed the following measures in Open Session: House Bills Nos. 80, 30, 314 and 413.

#### REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Bill No. 417 correctly printed.

MACKIE, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Employment, submit the following report of employees for post-session work:

##### Chief Clerk's Office

Chief Clerk, John J. Jewell.....	15 days
Stenographer, Betty Briscoe .....	10 days
Bill Clerk, Glenn Carney .....	10 days
Stenographer, Dorothy Cooper .....	10 days
Stenographer, Tessie Minckler .....	10 days

##### Journal Clerk's Office

Journal Clerk, Hilda Richeson .....	15 days
Ass't. Journal Clerk, Bell Collins.....	10 days
Stenographer, Alma Lovely .....	10 days
Stenographer, Josephine Kovacich .....	10 days
Proofreader, Jack Carroll .....	10 days

##### Sergeant-at-Arms Office

Sergeant, William Cain .....	15 days
Stenographer, Birdie Smith .....	10 days
Mailing Clerk, Al Heikkila .....	10 days
Clerk, C. D. Graft .....	10 days
Clerk, Melvin McPheeters .....	4 days
Clerk, Vic Meisner .....	4 days
Janitor, John A. Nelson .....	4 days
Janitor, Clifford Foster .....	4 days
Janitor, Vincent Reiter .....	4 days

BRENNAN, Chairman.

It was moved by Spiegel, duly seconded, that the report of the Committee on Employment be adopted. On substitute motion, it was moved by Metlen, duly seconded, that the name of Adelaide Hale, John Buller and Helen McCabe be added for ten days post-session work. On Substitute motion, it was moved by Finnegan, that the motion of Metlen be amended to give Glenn Carney, the Bill Clerk, fifteen days instead of ten days Post-session work. After considerable discussion, the previous question, duly seconded and carried, was moved by Stromnes. Whereupon motion by Metlen, as amended by Finnegan, carried.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate amendments to House Bill No. 146 respectfully report as follows: The House agrees to all Senate Amendments in House Bill No. 146.

SHANLEY,  
DOUGHERTY,  
LOVELL,  
For the House.

BENJAMIN,  
WASS,  
WAITE,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 146 was adopted, by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brayman, Burns, Campbell, Chamberlain, Cohen, Conner, Cusick, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Joffray, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, McClain, McLeod, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Sherman, Smith, Stimatz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Mr. Speaker. Total 75.

Noes: Lovell, Mungas, Shanley, Spiegel, Vanek. Total 5.

Absent and not voting: Alvord, Anderson (Silver Bow), Brennan, Chatham, Crouse, Cruickshank, Daly, Goodwin, Holecek, Kelson, Kruse, McKenna, Mackie, Masterson, Metlen, Miles, Mitchell, Sorte, Stortz, Toomey, Trandum, Wood. Total 22.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 418 respectfully report as follows: That House Bill No. 418 do pass.

MANNING, Chairman.

Report adopted.

### MOTIONS AND RESOLUTIONS

It was moved by Lehrkind, duly seconded and carried, that action on Senate Amendments to House Bill No. 411 be reconsidered and returned to the conference committee to which it had been referred.

It was moved by Stromnes, duly seconded and carried, that the Sergeant-at-Arms be instructed to recall the warrant of arrest for Toomey, which was made on a previous Call of the House.

It was moved by Stromnes, duly seconded, that the House reconsider its action in disapproving and not adopting the committee report on House Bill No. 321.

On substitute motion, it was moved by Smith, duly seconded and carried, that the motion of Stromnes to reconsider House Bill No. 321 be laid on the table.

Speaker Pro Tem in the Chair.

The Speaker Pro Tem appointed the following conference committees: On House Amendments to Senate Bill No. 84: Ruffcorn, Metlen and Anderson of Phillips.

Senate Amendments to House Bill No. 88: Stortz, Masterson and Kruse.

The Speaker Pro Tem signed the following in Open Session: Senate Bill No. 148.

### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Conference Committee on House Bill No. 246 report that the House accedes to Senate amendments except as follows:

Amend Section 2, on Page 3, line 12, by striking out the words and figures "Three Thousand Dollars" and insert in lieu thereof the words "and Law Enforcement expenses, Five Thousand Dollars" and the figures "\$5000.00".

Amend Section 3, Line 18, page 7, by striking out the words and figures "Three Thousand Dollars", and insert in lieu thereof the words "and Law Enforcement expenses, Five Thousand Dollars" and the figures "\$5000.00"

Amend Section 2, lines 13 and 14, Page 3, by striking out the words and figures "Forty-five Hundred Dollars, \$4500.00" and inserting in lieu thereof the words and figures "Five Thousand Dollars " "\$5000.00".

Amend Section 3, Line 18, page 7, by striking out the words and figures "Forty-five Hundred Dollars \$4500.00" and inserting in lieu thereof the words and figures "Five Thousand Dollars, \$5000.00".

Conference Committee allowed increases on account of appropriations being insufficient.

MONAHAN,  
LOVELL,  
MASTERSON,  
For the House.

GROFF,  
PAULINE,  
COTTER,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 246 was adopted by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brennan, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardecastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, McLeod, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson,



O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Stimatz, Vanek, Waldrop, Wenger, Whaley. Total 68.

Noes: None.

Absent and not voting: Alvord, Bloom, Brayman, Burns, Campbell, Chatham, Green, Heavlin, Holecck, Joffray, Kelson, Kruse, Leeson, Lippard, Lovell, McKenna, Masterson, Metlen, Miles, Minette, Mulholland, Padbury, Schneider, Shanley, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Wood, Mr. Speaker. Total 34.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Minette, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Minette in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 416 do pass.

That House Bill No. 417 do pass.

MINETTE, Chairman.

Report adopted.

### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported the following bills considered correctly engrossed: House Bills Nos. 416 and 417.

PETERSON of Pondera, Chairman.

Report adopted.

### THIRD READING

The following, having been read three several times, history and title agreed to, were disposed of as follows: (all appropriation measures having been read at length)

House Bill No. 416 was passed by the following vote:

Ayes: Acher, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Lovell, McClain, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Scofield, Scott, Sherman, Smith, Spiegel, Stimatz, Stromnes, Vanek, Waldrop, Wenger, Wood. Total 80.

Noes: Haight, Lippard. Total 2.

Absent and not voting: Alvord, Conner, Crouse, Cruickshank, Green, Holecck, Joffray, Kelson, Kruse, Love, Miles, Schneider, Shanley, Sorte, Stortz, Toomey, Trandum, Tyler, Whaley, Mr. Speaker. Total 20.

A Call of the House was demanded by the required number. On motion of Stromnes, duly seconded and carried, further Call of the House was dispensed with.

House Bill No. 417 failed to pass by the following vote:

Ayes: Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Brayman, Burns, Chamberlain, Cusick, Daly, DeDobbeleer, D'Ewart, Eggenberger, Finnegan, Green, Haight, Haugan, Hedden, Hess, Hoiness, Holecek, Johnson, Kruse, Lambert, Longenecker, McClain, McKenna, Manning, Measure, Metcalf, Miles, Miller (Roosevelt), Monahan, Mungas, Nelson, O'Connor, Padbury, Phelan, Ruffcorn, Sherman, Smith, Spiegel, Stimatz, Whaley, Wood, Mr. Speaker. Total 46.

Noes: Acher, Alvord, Bloom, Bower, Brennan, Campbell, Chatham, Cohen, Conner, Crouse, Cruickshank, Dougherty, Elliott, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Ijams, Jackson, Joffray, Lasby, Leeson, Lehrkind, Lemmer, Levisee, Lippard, Love, Lovell, McLeod, Mackie, Masterson, Metlen, Miller (Big Horn), Minette, Mitchell, Mulholland, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Schneider, Scofield, Scott, Shanley, Stromnes, Tyler, Vanek, Waldrop, Wenger. Total 51.

Absent and not voting: Kelson, Sorte, Stortz, Toomey, Trandum. Total 5.

#### REPORTS OF SPECIAL COMMITTEES

Mr. Speaker: We, your Joint Conference Committee, appointed to consider Senate Amendments to House Bill No. 343, respectfully report that your Conference Committee has been unable to agree on said amendments and the House request a new Senate Committee.

MULHOLLAND,  
McLEOD,  
CHAMBERLAIN.

Report adopted.

The Speaker appointed a new Conference Committee to act on Senate Amendments to House Bill No. 343 as follows: Anderson of Silver Bow, DeDobbeleer and Daly.

Mr. Speaker: Supplementary Conference Committee Report on House Bill No. 411: Senate and House agree on insert after line 19, House Bill No. 411, the State Board of Examiners is hereby authorized to transfer from one account to another all funds appropriated for the State Board of Equalization by the Twenty-Fourth Legislative Assembly upon request of the State Board of Equalization.

GREEN,  
LEHRKIND,  
LAMBERT,  
For the House.

WASS,  
PAULINE,  
SMITH,  
For the Senate.

#### STATEMENT

This amendment authorizes to transfer from one account to another all funds appropriated for the State Board of Equalization of the Twenty-Fourth Legislative Assembly.

On motion, duly seconded, the report of the Conference Committee on House Bill No. 411, was adopted by the following vote:

Ayes: Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Burns, Campbell, Chatham, Cohen, Crouse, Cruickshank, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Hess, Ijams, Joffray, Johnson, Lambert, Lasby, Lehrkind, Lemmer, Levisee, Love, Lovell, McClain, Mackie, Metcalf,

Metlen, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Stimatz, Stromnes, Vanek, Waldrop, Wenger, Wood. Total 64.

Noes: None.

Absent and not voting: Acher, Alvord, Anderson (Chouteau), Anderson (Lincoln), Bloom, Brayman, Brennan, Chamberlain, Conner, Eggenberger, Haight, Haugan, Heavlin, Hedden, Hoiness, Holecsek, Jackson, Kelson, Kruse, Leeson, Lippard, Longenecker, McKenna, McLeod, Manning, Masterson, Measure, Miles, Miller (Big Horn), Smith, Sorte, Spiegel, Stortz, Toomey, Trandum, Tyler, Whaley, Mr. Speaker. Total 38.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 414 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee on House Bill No. 196 respectfully report as follows:

We recommend that the title be amended as follows: By adding in line 7 of the printed bill after the word "license" as it appears the second time in said line, the following, "Authorizing the Montana Liquor Control Board to charge and collect an excise tax on all liquor sold by it;". Further amend the title of said Act by adding in the next to the last line of the title of the printed bill after the word "licenses", the words "and excise taxes;".

Amend Section 1 of said bill by inserting in line 8 after the word "retail", the words "posted price."

The House recedes from its objection to Senate amendments to Section 10.

The House recedes from its objection to Senate amendment striking out all of Section 13, and that the following Sections be renumbered accordingly.

The House recedes from its objection to the amendment to Section 14 in the printed bill, being renumbered Section 13.

The House recedes from its objection to amendment of the Committee on Taxation of the Senate to Section 14 of the printed bill, renumbered Section 13.

Amend Section 15 of the printed bill, being renumbered Section 14, by adding to renumbered Section 14, the following: "The posted price as used herein shall mean the retail price of such liquor as fixed and determined by the Montana Liquor Control Board and in addition thereto an excise tax as in this Act provided".

Amend by adding to said House Bill No. 196 a section to be designated as "Section 15" to read as follows: "Section 15. The Montana Liquor Control Board is hereby authorized and directed to charge, receive and collect at the time of the sale and delivery of any liquor as authorized under any provision of the laws of the State of Montana an excise tax at the rate of fifty cents (50c) per gallon or proportional part thereof on all liquor so sold and delivered."

"The Montana Liquor Control Board shall retain the amount of such excise tax received in a separate account and shall deposit with the State Treasurer, to the credit of the General Fund, such sums so collected and received not later than the tenth day of each and every month."

That Sections 16 to 31 of the printed bill retain such numbers inclusive.

The Senate recedes from its amendment to Section 31 of the printed bill, and insert in lieu of Section 31 in the bill the following: "Section 31. The provisions of this Act to the issuance of licenses as herein provided shall be effective thirty (30) days after the passage and approval of this Act. In the event that during the said period of thirty (30) days, a fully verified petition in writing signed by not less than thirty-five per centum (35%) of the registered qualified electors of any County file with the Board of County Commissioners their protest against the issuance of any licenses as herein provided by the Montana Liquor Control Board under the provisions of this Act, then the said Montana Liquor Control Board shall not issue any license or licenses within said County, except as herein provided.

The Board of County Commissioners must within five (5) days after the filing of said petition, meet and determine the sufficiency of the petition presented by ascertaining whether or not at least thirty-five per centum (35%) of the signers of said petition are registered electors of the territory or county effected. The Board of County Commissioners must within ten (10) days after the filing of such petition, if such petition be sufficient therefor, make an order calling an election to be held within the County in the manner and at the places of holding an election for county offices in such county. Such election to be held on a day fixed by the Board of Commissioners not more than thirty (30) days after the filing of such petition for the purpose of determining whether or not any license for the sale of spirituous liquors may be sold within the limits of the County as provided by the provisions of this Act."

The House recedes from its objections to the Senate amendment to Section 35.

That there be added to said bill a section to be designated as "Section 36" to read as follows:

"Section 36. If no petition protesting against the issuance of licenses as herein provided be filed with the Board of County Commissioners within thirty (30) days after the passage and approval of this Act, or if a majority of the votes cast at any election held in pursuance of the filing of said petition as herein provided, are "Sale of Alcoholic Beverages, No", then there shall not be submitted to the qualified electors of said county any other or further question as to the sale of alcoholic beverages within said County for a period of two (2) years from and after the date of the filing of said petition protesting the issuance of said license as herein provided with the Board of County Commissioners."

Renumber from Section 35 on to conform to the number of the Section.

Amend the last Section of said Act so as to read as follows: "This Act, except as herein otherwise specifically provided, shall be in full force and effect from and after its passage and approval."

JOFFRAY,  
MINETTE,  
For the House

KATHAN,  
SULLIVAN (Jefferson),  
CAMPBELL,  
For the Senate.

On motion, duly seconded, the report of the Joint Conference Committee was adopted by the following vote: :



Ayes: Acher, Anderson (Silver Bow), Bloom, Bower, Burns, Campbell, Chatham, Cohen, Cusick, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hess, Ijams, Joffray, Lambert, Lasby, Lehrkind, Lemmer, Love, Lovell, McClain, McLeod, Mackie, Metlen, Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, O'Shea, Padbury, Phelan, Reed, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stromnes, Vanek, Waldrop, Wenger. Total 50.

Noes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Brennan, Chamberlain, Conner, Daly, DeDobbeleer, D'Ewart, Green, Haight, Hedden, Hoiness, Holecsek, Johnson, Kruse, Lip-pard, Longenecker, Metcalf, Miles, Miller (Roosevelt), Miller (Big Horn), Nelson, Peterson (Pondera), Schneider, Stimatz, Whaley, Wood, Mr. Speaker. Total 31.

Absent and not voting: Brayman, Crouse, Cruickshank, Eggenberger, Haugan, Jackson, Leeson, Levissee, McKenna, Manning, Masterson, Measure, Parker, Ruffcorn, Sorte, Stortz, Toomey, Trandum, Tyler. Total 19.

Paired their vote: Kelson and Peterson (Sheridan). Total 2.

Mr. Speaker: We, your Committee appointed for the purpose of considering House Bill No. 415 beg leave to report that we have carefully considered this bill, the purposes for which it was drawn, and have endeavored to revise the same in such a manner as to make available for the purpose of this bill all funds received through license taxes or from other means by which the obligations incurred can be liquidated before property taxes are levied for this purpose.

In the amendments which we propose we have eliminated wherever they occur the words and phrases directing the State Land Board to purchase warrants, and are leaving it to their discretion whether or not the warrants shall be purchased.

We are setting forth that property taxes as authorized shall be used only in emergency and are making it impossible for any governing body levying property taxes under the provisions of this Act to continue the same after the obligations incurred shall have been liquidated.

We have provided that wherever political subdivisions propose to issue relief warrants for the purposes of this bill, they must advertise the same in some paper of general circulation thirty days before the same are to be issued, and we have provided that in the event a petition signed by 10% of the qualified electors voting at the last general election oppose the construction of any project, the political subdivisions shall not issue warrants for this purpose. While 10% is a very small number of the electors, Federal authorities in charge of operations in Montana who appeared before our Committee explain that they would not care to operate a project in any community where as many as 10% of the voters would be opposed to the project.

All told, this means that this method of raising money for necessary governmental projects shall not be used except in genuine emergencies and that in such cases 10% of the voters of any political subdivision can prevent the governing body from issuing emergency warrants under this Act.

For the convenience of the members of the House who have the printed bills in their possession, we are making reference to the printed bill, and respectfully recommend that the bill be amended as follows:

Amend the title by striking out in the 6th line thereof the words "And directing".

Section 1 be amended by striking out all of the remainder of the section beginning with line 9 and insert in lieu thereof the following: "It is hereby declared to be a public policy that this state and all political subdivision thereof, cooperate with any agency of the Federal Government in

and for the construction, operation and maintenance of any plans and projects in aid of which such Federal agency is about to or has expended funds furnished by the Federal Government, intended for a useful purpose, and calculated to furnish employment and assistance to the needy citizens of this state".

Amend Section 2 by striking out in line 6 the words "and directed" and by striking out in line 11 the words "and directed".

At the end of Section 2 after the period, insert the following: "This measure contemplates that as in the past, political subdivisions will continue to sponsor projects without recourse to the provisions of this Emergency Measure where the same can be reasonably so sponsored and that funds available to the political subdivision through license taxes or from other sources, and which may be reasonably used for the purpose shall be used by the political subdivision to retire warrants issued under the provisions of this Act, and that property taxes as herein authorized to be levied will not be levied when funds to retire the same are obtainable from other sources."

Amend Section 4 by striking out in line 2 the words "authorized and directed" and inserting in lieu thereof the word "empowered", and by striking out in line 2 the words and figures "one per centum" and insert in lieu thereof the words and figures "one-half of one per centum".

Further amend Section 4 by striking out in line 4 the period after the word "law" and inserting the following: "provided that the total tax levied under this Act against any property of any political subdivision shall not exceed one per centum of the taxable value thereof";

"Provided, however that no governing body of any political subdivision shall be authorized under this Act to issue warrants to furnish materials, equipment, rental, supplies or supervision in connection with any project as herein contemplated if there shall be filed with the said governing body previous to the issuance of said warrants a petition opposing the construction of the said project containing the names of as many as ten percent of the qualified electors voting at the last general election within the specific political subdivision sponsoring the project;

"Provided further that any governing body proposing to issue Emergency Relief Warrants to sponsor any project as herein contemplated shall cause to be published in some newspaper of general circulation within the said political subdivision at least thirty days previous to the date of the proposed issuance of the said warrants a notice setting forth the intention of the said political subdivision to issue such warrants and describing the purposes for which the same are to be issued."

Amend Section 5 by striking out in line 1 and 2 the words "and directed" and insert in lieu thereof the words "at their discretion". Further amend Section 5 line 2 by inserting after the word "Warrants" the word "lawfully".

Amend Section 7, line 8 by striking out the period after the word "approval" and insert the following: "and shall continue in effect until March 15th, 1939 and thereafter shall be of no force or effect".

And that as so amended the bill do pass.

BRENNAN,  
McCLAIN,  
MANNING,  
MEASURE.

It was moved by Brennan, duly seconded, that the report of the committee on House Bill No. 415 be adopted. On substitute motion, it was moved by McLeod, duly seconded, that the motion by Brennan be laid on the table. Motion was lost. After considerable discussion, the previous

question, duly seconded and carried, was moved by Spiegel. A roll call was demanded by the required number and the motion of Brennan carried, by the following vote: Ayes: 53; Noes: 41; Absent and not voting: 8.

Mr. Speaker: We, your Conference Committee on House Bill No. 379, having had under consideration House Bill No. 379 respectfully report as follows: That House Bill No. 379 be amended in Section 1, line 2, after the word "Board", by adding "or to any other Board or Agency exercising the functions of said Board," and further the House Committee agrees to the Senate amendments, and as so amended recommend that House Bill No. 379 be concurred in as amended.

CROUSE,  
SCOFIELD,  
MASTERSON,  
For the House.

WASS,  
GROFF,  
TIERNEY,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on House Bill No. 379 was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Campbell, Chamberlain, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Eggenberger, Elliott, Finnegan, Freshman, Green, Hardcastle, Hess, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McKenna, Manning, Miles, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Scott, Shanley, Sherman, Smith, Spiegel, Stromnes, Tyler, Waldrop, Wenger, Wood, Mr. Speaker. Total 66.

Noes: Lambert, Stimatz. Total 2.

Absent and not voting: Brayman, Brennan, Burns, Chatham, Cohen, Conner, DeDobbeleer, Dougherty, Goodwin, Haight, Hamilton, Haugan, Heavlin, Hedden, Hoiness, Holecek, Joffray, Kelson, Kruse, McClain, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Minette, Mitchell, Sorte, Stortz, Toomey, Trandum, Vanek, Whaley. Total 34.

#### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following Bills correctly enrolled: House Bills Nos. 320, 352, 357, 86, 234 and House Joint Memorial No. 11.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 234 introduced by me and find the same to be correct.

HEAVLIN.

I have examined enrolled House Bill No. 320 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 86 introduced by me and find the same to be correct.

LEVISEE.

I have examined enrolled House Bill No. 352 introduced by me and find the same to be correct.

HEDDEN.

I have examined enrolled House Bill No. 357 introduced by me and find the same to be correct.

MACKIE.

I have examined enrolled House Joint Memorial No. 11 introduced by me and find the same to be correct.

MILLER (Roosevelt).

The Speaker signed the following measures in Open Session: House Bills Nos. 320, 352, 357, 86, 234 and House Joint Memorial No. 11.

#### REPORT OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee on House Bill No. 412 beg leave to report that we are unable to agree and ask that we be discharged.

MINETTE,  
SPIEGEL,  
MUNGAS,  
For the House.

CAMPBELL,  
BAKER,  
LARSON,  
For the Senate.

Report adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day refused to concur in the House Amendments to Senate Bill No. 85 and requests the House to appoint a committee to act with a like committee from the Senate for the consideration of such amendments. The President of the Senate appointed the following Senators as such committee: Garrison, Meyer and Smith.

The Senate Conference Committee on Senate amendments to House Bill No. 343 have reported as being unable to agree with the House Committee and have asked to be discharged. Upon motion, duly seconded and carried, the Senate thereupon requested the President to appoint a new Senate Committee to serve with a new Conference Committee from the House, and the House is hereby requested to appoint such new Committee.

The Senate this day on roll call adopted the reports of the Joint Conference Committees as follows: Senate amendments to House Bill No. 196, Senate amendments to House Bill No. 102, Senate amendments to House Bill No. 168, Senate amendments to House Bill No. 411, Senate amendments to House Bill No. 343, Senate Amendments to House Bill No. 246 and Senate amendments to House Bill No. 212.

House Bill No. 256 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House.

House Bill No. 241 was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House.

Senate Bill No. 187 was this day read third time and passed, title and history agreed to, and same is herewith transmitted to the House for concurrence.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.



## REPORT OF SELECT COMMITTEES

Mr. Speaker: We, the undersigned members of the Conference Committee having had under consideration amendments to House Bill No. 337 respectfully report as follows: That the House accedes to all of the Senate amendments except amendment in Section 2, page 14 of the original bill, whereby the Senate struck all of lines 24 through 27 inclusive, the same being lines 337 to 339 on page 11 of the printed bill, which said lines read as follows:

"Poultry Show Division

From the General Fund

For Allotments to Poultry Shows, Seven Hundred Dollars....\$700.00" and that the Senate recede from said amendment.

And excepting further the Senate amendment to Section 3 on page 29 of the original bill whereby the Senate struck all of lines 2 through 4 inclusive, the same being lines 317 through 319 on page 10 of the printed bill, which said lines read as follows:

"Poultry Show Division

From the General Fund

For Allotments to Poultry Shows, Seven Hundred Dollars....\$700.00" and that the Senate recede from said amendment.

Further report that Senate amendment to Section 2 on page 13 of the original bill, the same being Section 2 on page 10 lines 292 and 293 of the printed bill, be amended by striking the words and figures "Thirty-one Thousand Eight Hundred Dollars (\$31,800.00)" and inserting in lieu thereof the words and figures "Thirty-five Thousand Seven Hundred Thirty Dollars (\$35,730.00)". And that Senate amendment in Section 3, on page 27 at lines 20 and 21 of the original bill, the same being lines 270 and 271 on page 21 of the printed bill, be amended by striking out the words and figures "Thirty-one Thousand Eight Hundred Dollars (\$31,800.00)" and inserting in lieu thereof the words and figures "Thirty-five Thousand Seven Hundred Thirty Dollars (\$35,730.00)".

Further report that the Senate recedes from its amendments to Section 2 on page 14 of the original bill, whereby all of lines 32 through to 35 inclusive were stricken out, which said lines read as follows:

"State Fair

From the General Fund

For the operation of a State Fair, Thirty Thousand Dollars .....\$30,000.00

In addition thereto all fees and collections are hereby appropriated".

That said Section be amended by striking out the words and figures "Thirty Thousand Dollars (\$30,000.00)" and insert in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000.00)", and as amended be concurred in.

ALVORD,  
PADBURY,  
SHANLEY,

For the House.

FOOR,  
PLANK,

For the Senate.

On motion, duly seconded, report of the Conference Committee on Senate Amendments to House Bill No. 337, adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Eggenberger,

Elliott, Finnegan, Freshman, Goodwin, Green, Hardecastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Kruse, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McLeod, Mackie, Manning, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Padbury, Parker, Phelan, Reed, Schneider, Scott, Shanley, Sherman, Waldrop, Wenger, Wood, Mr. Speaker. Total 63.

Noes: Bower, Stimatz. Total 2.

Absent and not voting: Anderson (Silver Bow), Brayman, Brennan, Campbell, Daly, DeDobbeleer, Haight, Hamilton, Heavlin, Holecek, Joffray, Johnson, Kelson, Levissee, Lovell, McKenna, Masterson, Measure, Metcalf, Metlen, Miller (Big Horn), Minette, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Scofield, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Whaley. Total 37.

Mr. Speaker: We, your Conference Committee, having had under consideration Senate amendments to House Bill No. 168 report as follows: That the Senate recedes from its amendments in Section 2, Page 2, lines 29 and 30 of the original bill being lines 19 and 20 page 2 of the printed bill, amend the Senate amendment to Section 2, page 3, line 24 of the original bill by striking out the words and figures "forty-five Thousand Dollars (\$45,000)" and inserting the words and figures "forty-eight Thousand five Hundred Dollars (\$48,500)", the same being line 42 page 3 of the printed bill.

The House agrees to all other Senate amendments to Section 2.

The Senate recedes from the Senate amendment, Section 3, page 5 in lines 21 and 22 of the original bill being lines 19 and 20, page 5, of the printed bill.

Amend the Senate amendment, Section 3, page 6, line 12 of the original bill by striking out the words and figures "forty-five Thousand Dollars (\$45,000)" and inserting the words and figures "forty-eight Thousand five Hundred Dollars (\$48,500)" the same being line 41 of the printed bill.

Amend the Senate amendment, Section 3, page 6 in line 18 by striking out the words and figures "forty-eight Thousand five Hundred Dollars" and inserting the words and figures "fifty Thousand Dollars (\$50,000)" the same being line 47, page 6 of the printed bill.

The House agrees to all other Senate amendments to Section 3 of the bill.

GOODWIN,  
LEHRKIND,  
GREEN,

For the House.

PLANK,  
GROFF,  
CAMPBELL,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 168, was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Cruse, Cruickshank, Daly, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardecastle, Haugan, Hedden, Hess, Ijams, Jackson, Johnson, Lasby, Leeson, Lehrkind, Lippard, Longenecker, Love, Mackie, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed,

Ruffcorn, Schneider, Scott, Sherman, Smith, Spiegel, Stromnes, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 67.

Noes: Lambert, Stimatz. Total 2.

Absent and not voting: Acher, Anderson (Silver Bow), Anderson (Lincoln), Cusick, DeDobbeleer, Haight, Heavlin, Hoiness, Holecck, Joffray, Kelson, Kruse, Lemmer, Levissee, Lovell, McClain, McKenna, McLeod, Manning, Metcalf, Metlen, Miles, Minette, Mitchell, Peterson (Pondera), Scofield, Shanley, Sorte, Stortz, Toomey, Trandum, Tyler, Whaley. Total 33.

Mr. Speaker: We, your Conference Committee appointed to act upon Senate Amendments to House Bill No. 344 recommend the following: That House Bill No. 344 be amended in Section 3, subsection (d), Line 33 of the printed bill by striking out the word "unemployed".

That the House accept Senate Amendments, save and except, Senate Amendments No. 20, 21, 22, 24 and 25, to-wit:

20. Amend Section 7 by adding at the end of the section, page 9, line 44 a subsection as follows: "(d) Contributions by Employee. Each worker shall contribute to the fund one per centum (1%) of his wages up to Three Thousand Dollars (\$3,000.00) per year, paid by employers with respect to employment which occurs after July 1, 1937 and after such employer has satisfied the conditions set forth in Section 19 (i) of this Act with respect to becoming an employer. Each employer must withhold such contribution from the wages of his employees and shall show such deduction on his pay roll records and shall transmit all such contributions to the fund pursuant to the regulations of the commission. When and if the employer is allowed a reduced rate of contribution based on benefit experience, the employee shall also be allowed a reduced rate of contribution as follows: If the employer's rate of contribution is reduced to or below 1.8% of his annual payroll, in accordance with subsection (c) of Section 7 hereof, then the employee's rate of contribution shall be one-half of his employer's contribution rate. Every employing unit which files an election to become an employer subject to this Act or to cease to be an employer subject to this Act, pursuant to the provisions of Section 8, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the commission may determine to be necessary to give notice thereof to persons in his service. Individuals in the employ of any employing unit which files an election to become an employer subject to this Act shall be given a reasonable opportunity to file objections thereto or be heard thereon prior to the commission's approval of such election. Contributions by workers, payable to the commission as herein provided, shall be exempt from garnishment, attachment, execution or any other remedy for the collection of debts."

21. Amend the title by adding after the word "employers" the words "and upon wages of employees."

22. Amend Section 3 (a) by adding in line 2, page 2, after the word "employer" the words "and twenty-four (24) months after the date when contribution first accrue under this Act from the employee."

24. Amend Section 14 (b) by adding in line 6, page 18, after the word "employer" the words "or employee" and line 8 after the word "employer" the words "or employee" and line 9 after the word "employer" the words "or employee".

25. Amend Section 14 (d) by adding in line 24, page 18, after the word "employer" the words "or employee", and line 28, after the word "employer" the words "or employee". And further amend that Section 7, Subsection (b), line 17 of the printed bill be amended by striking out the words and figures "December 31st, 1941", and inserting in lieu thereof, the words and figures "June 30, 1942" and that the Senate recedes from the Amend-

ment No. 70 by striking out the letter "I" and the words "casual labor" and as amended, we recommend that House Bill No. 344 be concurred in.

BLOOM,  
HOLECEK,  
CHAMBERLAIN,

For the House.

OLIVER,  
SMITH,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 344, was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns, Campbell, Chamberlain, Cohen, Conner, Crouse, Cusick, D'Ewart, Eggenberger, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, McClain, Mackie, Manning, Measure, Metcalf, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Nelson, O'Connor, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Spiegel, Stortz, Stromnes, Waldrop, Wenger, Mr. Speaker. Total 69.

Noes: Longenecker, Minette, Padbury, Stimatz. Total 4.

Absent and not voting: Acher, Anderson (Silver Bow), Chatham, Cruickshank, Daly, DeDobbeleer, Dougherty, Elliott, Jackson, Joffray, Kelson, Kruse, Love, Lovell, McKenna, McLeod, Masterson, Metlen, Miles, Mungas, Scofield, Smith, Sorte, Toomey, Trandum, Tyler, Vanek, Whaley, Wood. Total 29.

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate Bill No. 156 respectfully report as follows: That House amendments to Senate Bill No. 156 be stricken out, and recommend the following amendments be inserted in lieu thereof:

Amend Section 1 by striking all of lines 14, 15, 16 and 17 up to the period after the word "imprisonment" and inserting in lieu thereof the following "misdemeanor and be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment".

Further amend Section 1 by striking the following words in lines 19 and 20 "felony and be punishable as in this Section hereinbefore specified", and insert in lieu thereof the following "misdemeanor and be punishable by a fine of not less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment".

MILLER (Big Horn),  
BJORNEBY,  
For the House.

STEVENS,  
MANN,  
SIMMONS,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Bill No. 156, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bloom, Bower, Brayman, Brennan, Burns,



Campbell, Chamberlain, Chatham, Cohen, Cruickshank, Cusick, D'Ewart, Dougherty, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Ijams, Jackson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, Manning, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Waldrop, Wenger, Whaley, Mr. Speaker. Total 69.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Conner, Crouse, Daly, DeDobbeleer, Eggenberger, Elliott, Finnegan, Green, Hoiness, Holecek, Joffray, Johnson, Kelson, Kruse, Lippard, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metcalf, Metlen, Miles, Scofield, Smith, Stimatz, Toomey, Trandum, Tyler, Vanek, Wood. Total 33.

Mr. Speaker: We, your Conference committee on House Bill No. 88 beg leave to report that: The House accedes to Senate Amendment to Section 1, Line 4.

The Senate recedes from its amendments to Section 1, Lines 16, 18, 20, 22 and 24.

The House accedes to Senate amendment creating a new paragraph in Section 1.

The Senate recedes from its amendment to Section 2.

The House accedes to Senate Amendment to Section 4.

STORTZ,  
KRUSE,  
MASTERSON,  
For the House.

SMITH,  
COOPER,  
DRUMHELLER,  
For the Senate.

#### STATEMENT

The effect of the Conference Committee report on Senate Amendments to House Bill No. 88 is to reinstate in the bill the rates set by the House and to accept the two year average clause.

STORTZ, Chairman.

On motion, duly seconded, the report of the Joint Conference Committee on Senate Amendments to House Bill No. 88, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Brayman, Burns, Chamberlain, Chatham, Cohen, Conner, Crouse, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haight, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Holecek, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Longenecker, Love, McClain, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, O'Shea, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Sorte, Spiegel, Stortz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Peterson (Pondera), Mr. Speaker. Total 70.

Noes: Stimatz. Total 1.

Absent and not voting: Anderson (Silver Bow), Bloom, Brennan, Campbell, Cruickshank, Cusick, Daly, DeDobbeleer, Green, Hoiness, Joffray, Kel-

son, Kruse, Lippard, Lovell, McKenna, McLeod, Mackie, Manning, Masterson, Measure, Metcalf, Metlen, Miles, Minette, Scofield, Smith, Toomey, Trandum, Vanek, Wood. Total 31.

### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 111, 394, 233, 201, 317, 322 and House Joint Memorial No. 9.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 394 introduced by me and find the same to be correct.

STROMNES.

I have examined enrolled House Bill No. 111 introduced by me and find the same to be correct.

SCHNEIDER.

I have examined enrolled House Bill No. 233 introduced by me and find the same to be correct.

CRUICKSHANK,

I have examined enrolled House Joint Memorial No. 9 introduced by me and find the same to be correct.

HAIGHT.

I have examined enrolled House Bill No. 317 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 322 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 201 introduced by me and find the same to be correct.

SHANLEY.

The Speaker signed the following measures in Open Session: House Bills Nos. 111, 394, 233, 201, 317, 322, House Joint Memorial No. 9, Senate Bills No. 72, 177, 154, 76, 40, 92, 123, 124 and Senate Joint Resolution No. 6.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to confer with a like committee from the Senate on Senate amendments to House Bill No. 289 respectfully report as follows: That Senate amendment that reads as follows:

"Senate Committee of the whole amendments to House Bill No. 289: Amend Section 1 by striking out in line 43, after the word "county", the rest of the line; also all of lines 44 to 58 inclusive and inserting in lieu thereof: "shall be paid to the Registrar of Motor Vehicles to be divided to the several counties of the State equally, less ten per cent (10%) for administration of this Act.", be stricken out.

That: Senate amendment line 21, Section 1, page 2, of the original bill, which is line 39 of the printed bill be amended as follows: By striking out the words and figures "Sixty Dollars (\$60.00)" and inserting in lieu thereof the words and figures "Thirty Dollars (\$30.00)".

That: Senate amendment line 17, page 2, section 1 of the original bill, which is in lines 36 and 37 of the printed bill, be amended as follows: By striking out the words and figures "Twenty Dollars (\$20.00) in said amend-

ment and inserting in lieu thereof the words and figures "Fifteen Dollars (\$15.00)".

That: Senate amendment Section 1, line 19, page 2 of the original bill, which is line 37 of the printed bill, by striking out in said amendment the words and figures "Thirty-seven Dollars and fifty cents (\$37.50)" and inserting in lieu thereof the words and figures "Twenty Dollars (\$20.00)".

That: Senate amendment Section 1, line 20, page 2 of the original bill, which is line 38 of the printed bill, by striking out in said amendment the words and figures "Forty-five Dollars (\$45.00)" and inserting in lieu thereof the words and figures "Twenty-five dollars (\$25.00)".

That: In Section 1, page 3 of the original bill by striking out all of lines 4, 5, 6, 7 and 8.

And with such amendments to Senate amendments, recommend that House Bill No. 289 be concurred in.

CAMPBELL,  
LEHRKIND,  
PADBURY,

For the House.

CAMPBELL,  
O'DAY,  
ECTON,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 289, was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, D'Ewart, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hoiness, Ijams, Jackson, Johnson, Lambert, Lemmer, Longenecker, McClain, Mackie, Measure, Miles, Miller (Roosevelt), Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Waldrop, Wenger, Whaley, Mr. Speaker. Total 54.

Noes: Stimatz. Total 1.

Absent and not voting: Acher, Anderson (Silver Bow), Bjorneby, Burns, Cruickshank, Daly, DeDobbeleer, Dougherty, Eggenberger, Haight, Heavlin, Hedden, Hess, Holecsek, Joffray, Kelson, Kruse, Lasby, Leeson, Lehrkind, Levissee, Lippard, Love, Lovell, McKenna, McLeod, Manning, Masterson, Metcalf, Metlen, Miller (Big Horn), Minette, O'Shea, Padbury, Parker, Phelan, Scofield, Smith, Sorte, Spiegel, Stortz, Stromnes, Toomey, Trandum, Tyler, Vanek, Wood. Total 47.

Mr. Speaker: We, your Joint Conference Committee, having had under consideration Senate Amendments to House Bill No. 212, respectfully report as follows: That the Senate Amendments to House Bill No. 212 be amended by striking out the words "and busses" in subsection 2 of Section 1, and by adding a new subsection to be numbered subsection 3 to Section 1, to read as follows: "Subsection 3. All passenger busses shall be sixty (60) miles per hour." and as amended be concurred in.

CUSICK,  
ANDERSON (Phillips),  
LOVE,

For the House.

HAMMOND,  
COTTER,  
STEVENS,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Amendments to House Bill No. 212, was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bloom, Bower, Brennan, Burns, Campbell, Chamberlain, Chatham, Cohen, Conner, Crouse, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Haugan, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lippard, Longenecker, McClain, Mackie, Manning, Miles, Miller (Roosevelt), Minette, Monahan, Mulholland, Mungas, Nelson, O'Shea, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scott, Shanley, Spiegel, Stimatz, Stortz, Tyler, Wenger, Whaley, Wood. Total 61.

Noes: Hardcastle, McLeod, Measure, O'Connor, Peterson (Sheridan), Sherman, Mr. Speaker. Total 7.

Absent and not voting: Acher, Anderson (Silver Bow), Brayman, Cruickshank, Daly, DeDobbeleer, Green, Haight, Hamilton, Heavlin, Joffray, Kelson, Leeson, Lehrkind, Lemmer, Levisse, Love, Lovell, McKenna, Masterson, Metcalf, Metlen, Miller (Big Horn), Padbury, Phelan, Scofield, Smith, Sorte, Stromnes, Toomey, Trandum, Vanek, Waldrop. Total 33.

Passed their vote: Mitchell. Total 1.

Mr. Speaker: We, your Joint Conference Committee appointed to act on Senate Amendments to House Bill No. 102 respectfully report as follows: Strike out the amendment in Section 1, Line 7, in excess of 10,000 Dollars, and in Section 1, Line 7, original bill, by striking out the words and figures "2%" and insert therein "1½%".

CONNER,  
RUFFCORN,  
KRUSE,

For the House.

HARLEN,  
ANDERSON,  
CAMPBELL,

For the Senate.

On motion, duly seconded, the report of the Joint Conference Committee on Senate Amendments to House Bill No. 102, was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bjerneby, Bower, Brayman, Brennan, Chamberlain, Cohen, Conner, Cusick, D'Ewart, Dougherty, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hamilton, Hardcastle, Haugan, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lambert, Lasby, Lemmer, Levisse, Lippard, Longenecker, Lovell, McClain, Mackie, Miller (Roosevelt), Minette, Mitchell, Monahan, Mulholland, Mungas, Nelson, O'Connor, D'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Stimatz, Stortz, Stromnes, Tyler, Waldrop, Wenger Whaley, Mr. Speaker. Total 65.

Noes: Bloom, Chatham, Miles, Wood. Total 4.

Absent and not voting: Acher, Anderson (Silver Bow), Burns, Campbell, Crouse, Cruickshank, Daly, DeDobbeleer, Haight, Heavlin, Holecek, Joffray, Kelson, Leeson, Lehrkind, Love, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Metlen, Miller (Big Horn), Padbury, Phelan, Scofield, Smith, Sorte, Spiegel, Toomey, Trandum, Vanek. Total 33.



Mr. Speaker: We, your Conference Committee, appointed to confer on Senate Bill No. 85 beg to report as follows: That House amendments to Senate Bill No. 85 be concurred in.

METCALF,  
MEASURE,  
KRUSE,

For the House.

GARRISON,  
SMITH,  
MEYER,

For the Senate.

On motion, duly seconded, the report of the Conference Committee on Senate Bill No. 85 was concurred in by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Phillips), Anderson (Lincoln), Bloom, Bower, Brayman, Brennan, Campbell, Chatham, Cohen, Conner, Cruickshank, Eggenberger, Elliott, Finnegan, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Johnson, Lambert, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, McClain, Mackie, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Reed, Ruffcorn, Schneider, Scott, Shanley, Sherman, Stimatz, Stortz, Stromnes, Tyler, Waldrop, Wenger, Whaley, Wood, Mr. Speaker. Total 64.

Noes: None.

Absent and not voting: Anderson (Silver Bow), Bjorneby, Burns, Chamberlain, Crouse, Cusick, Daly, DeDobbeleer, D'Ewart, Dougherty, Haight, Hamilton, Joffray, Kelson, Kruse, Love, Lovell, McKenna, McLeod, Manning, Masterson, Measure, Metcalf, Metlen, Mitchell, Monahan, Mulholland, O'Shea, Padbury, Peterson (Sheridan), Phelan, Scofield, Smith, Sorte, Spiegel, Toomey, Trandum, Vanek. Total 38.

## MOTIONS AND RESOLUTIONS

It was moved by Minette, duly seconded, that House Bill No. 412 be placed on General Orders. On substitute motion, it was moved by Spiegel, duly seconded and carried, that the motion by Minette be laid on the table.

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported House Bill No. 418 correctly printed.

MACKIE, Chairman.

Report adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day adopted the report of the Joint Conference Committees on House Bills Nos. 88 and 94. The President of the Senate, on motion duly seconded and carried, appointed the following Senators to act as a new Conference Committee for the consideration of Senate amendments to House Bill No. 88: Smith, Cooper and Drumheller.

The Senate this day on roll call adopted the reports of Joint Conference Committees as follows: Senate Amendments to House Bills Nos. 289, 344 and 412.

The Senate this day adopted the reports of the Joint Conference Committees on Senate Bills Nos. 86, 84 and 113.

The Senate this day on roll call adopted the report of the Joint Conference Committee on Senate Amendments to House Bill No. 337.

The Senate this day adopted the reports of the Joint Conference Committees on House Bills Nos. 379, 159 and 146.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following House Bills correctly enrolled: House Bill Nos. 226, 167 and 197 and House Joint Resolution No. 3.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 226 introduced by me and find the same to be correct.

STORTZ,  
D'EWART.

I have examined enrolled House Joint Resolution No. 3 introduced by me and find the same to be correct.

TOOMEY.

I have examined enrolled House Bill No. 197, introduced by me and find the same to be correct.

ELLIOTT.

I have examined enrolled House Bill No. 167, introduced by me and find the same to be correct.

SCHNEIDER.

The Speaker signed the following measures in Open Session: House Bills Nos. 226, 167, 197 and House Joint Resolution No. 3.

### CONSIDERATION OF GENERAL ORDERS

It was moved by Spiegel, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under the rules of the previous sitting.

Smith in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration bills on General Orders, recommend:

That House Bill No. 415 be amended as follows:

(Committee of the Whole—House Bill No. 415, printed bill)

Amend Section 4 by striking out in line 15 the period and adding the words "provided further that the total obligations incurred under the provisions of this act shall not require a levy to pay for the same beyond June 30, 1942."

(Committee of the Whole—House Bill No. 415, printed bill)

Amend Section 7 by striking out the amendment inserted by the Committee report limiting the effect of the bill to March 15th, 1939." and as amended do pass.

That Senate Amendments to Senate Bill No. 187 be indefinitely postponed.

SMITH, Chairman.

Report adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 414, 263, 218 and House Joint Memorial No. 13.  
McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 218 introduced by me and find the same to be correct.

LIPPARD.

I have examined enrolled House Bill No. 414 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Joint Memorial No. 13 introduced by me and find the same to be correct.

BRENNAN.

I have examined enrolled House Bill No. 263 introduced by me and find the same to be correct.

GOODWIN.

The Speaker signed the following measures in Open Session: House Bills Nos. 414, 263, 218 and House Joint Memorial No. 13; and Senate Bills Nos. 86, 195, 125 and 54.

It was moved by Spiegel, duly seconded, that the House revert to Order of Business No. 6, Motions and Resolutions. On substitute motion, it was moved by Minette, duly seconded, that the House revert to Order of Business No. 7. A roll call was demanded by the required number and it being necessary to have a two-thirds vote on changing the Order of Business, the motion lost by the following vote: Ayes: 46, Noes: 44, Absent and not voting: 12.

The Committee on Enrolling reported House Bill No. 241 correctly enrolled.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 241 introduced by me and find the same to be correct.

JOFFRAY.

The Speaker signed House Bill No. 241 in Open Session.

On motion by Stromnes, House recessed.

House resumed. Mr. Speaker in the Chair.

## REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee on House Bill No. 343, appointed to act with a like Committee from the Senate respectfully report that we cannot agree and beg to be discharged.

ANDERSON (Silver Bow)

DeDOBBELEER,

DALY,

For the House.

WAITE,

STEVENS,

SULLIVAN (Chouteau),

For the Senate.

Report adopted.

Mr. Speaker: We, your Conference Committee appointed to confer with a like Committee from the Senate on House Bill No. 276 respectfully report as follows: That: Strike out all of Section 4 and insert in lieu thereof the following: All licenses shall be issued quarterly on the first

day of April, July, October and January. On or before the first day of each such quarter every person, firm, corporation, association or co-partnership coming under the provisions of this act shall apply to the State Board of Equalization for a renewal of such license.

Amend in Section 5, by striking out all of lines 6 to 17 inclusive in the printed bill and inserting in lieu thereof the following: "The license fees herein prescribed are payable quarterly on the first day of April, July, October and January of each year and shall be as follows: One and one quarter (1¼) per centum of the gross proceeds from the sale of tickets of admission in excess of the sum of three thousand (3,000) dollars per quarter."

MILES,  
HOLECEK,  
METLEN,  
For the House.

PAGE,  
MEYER,  
For the Senate.

On motion, duly seconded, the report of the Conference Committee on House Bill No. 276 was adopted by the following vote:

Ayes: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bjorneby, Bower, Brennan, Chamberlain, Cohen, Conner, Crouse, Cusick, Daly, DeDobbeleer, Dougherty, Elliott, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Joffray, Johnson, Kruse, Lambert, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McClain, McKenna, Manning, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Mitchell, Mungas, Nelson, O'Connor, Parker, Phelan, Reed, Scofield, Shanley, Sherman, Stromnes, Tyler, Vanek, Wenger, Mr. Speaker. Total 62.

Noes: D'Ewart, Monahan, Padbury. Total 3.

Absent and not voting: Acher, Anderson (Lincoln), Bloom, Brayman, Burns, Campbell, Chatham, Cruickshank, Eggenberger, Finnegan, Haight, Hamilton, Kelson, Lasby, Levissee, Lovell, McLeod, Mackie, Masterson, Measure, O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scott, Smith, Sorte, Spiegel, Stimatz, Stortz, Toomey, Trandum, Waldrop, Whaley, Wood. Total 36.

Passed their vote: Mulholland. Total 1.

Mr. Speaker: We, your Conference Committee appointed to confer with a like Committee from the Senate on House Bill No. 38 respectfully report as follows: The Senate recedes from its amendment in Section 5, line 21 and line 22 of the printed bill. That the Senate recedes from its amendment in Section 6, lines 6, 7, and 8 of the printed bill. That the Senate recedes from its amendment in Section 6, page 4, lines 10 and 11 of the printed bill. That the words and figures in Section 6, line 22 of the printed bill shall be seven (7) dollars and fifty (50) cents. In line 23, fifteen (15) dollars, in line 24, twenty-two (22) dollars and fifty (50) cents. In line 25, thirty (30) dollars. In line 27, thirty-seven (37) dollars and fifty (50) cents. In Line 29, twenty-five (25) dollars.

That the Senate recedes from its amendment of Section 8 and accepts Section 8 as it reads in the printed bill.

Amend Section 11, page 5 of the printed bill by striking all of the paragraphs after line 4 and inserting in lieu thereof "to the credit of the General Fund". and as amended be concurred in.

METLEN,  
MASTERSON,  
SCOFIELD,  
For the House.

PAGE,  
CAMPBELL,  
HOLLENBECK,  
For the Senate.



On motion, duly seconded, the report of the Conference Committee on House Bill No. 38, was adopted by the following vote:

Ayes: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Phillips), Bloom, Bower, Brayman, Campbell, Chamberlain, Cohen, Conner, Crouse, Cruickshank, Cusick, Daly, D'Ewart, Elliott, Finnegan, Freshman, Green, Hamilton, Hardcastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Holecek, Ijams, Jackson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Love, McKenna, Mackie, Masterson, Metcalf, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Mitchell, Monahan, Mungas, Nelson, O'Connor, Parker, Peterson (Pondera), Phelan, Reed, Schneider, Scofield, Scott, Shanley, Stortz, Stromnes, Tyler, Vanek, Waldrop, Wenger, Mr. Speaker. Total 67.

Noes: O'Shea. Total 1.

Absent and not voting: Anderson (Lincoln), Bjerneby, Brennan, Burns, Chatham, DeDobbeleer, Dougherty, Eggenberger, Goodwin, Haight, Joffray, Johnson, Kelson, Levissee, Lovell, McClain, McLeod, Manning, Measure, Minette, Padbury, Peterson (Sheridan), Ruffcorn, Sherman, Smith, Sorte, Spiegel, Stimatz, Toomey, Trandum, Whaley, Wood. Total 32.

Passed their vote: Lambert, Mulholland. Total 2.

#### MOTIONS AND RESOLUTIONS

It was moved by Stromnes, duly seconded and carried that the House Chambers be cleared of all except members of the House and Honorable Senate, accredited attaches and members of the press. A roll call to be entered in the Journal, was demanded by the required number and the motion carried by the following vote:

Ayes: Acher, Anderson (Phillips), Campbell, Cohen, Conner, Crouse, Cruickshank, Cusick, D'Ewart, Dougherty, Elliott, Freshman, Goodwin, Green, Hardcastle, Haugan, Heavlin, Hedden, Hoiness, Holecek, Ijams, Jackson, Joffray, Kruse, Leeson, Lehrkind, Lemmer, Lippard, Longenecker, Manning, Metcalf, Miles, Minette, Mitchell, Monahan, Mulholland, Mungas, O'Connor, Padbury, Phelan, Reed, Ruffcorn, Scofield, Shanley, Sherman, Smith, Stromnes, Tyler, Waldrop, Wenger, Mr. Speaker. Total 50.

Noes: Bower. Total 1.

Absent and not voting: Burns, Chatham, Daly, Eggenberger, Haight, Hamilton, Kelson, Lambert, Lasby, Levissee, Love, Lovell, McKenna, McLeod, Mackie, Masterson, Measure, Metlen, Miller (Roosevelt), Schneider, Sorte, Stimatz, Toomey, Trandum, Whaley, Wood. Total 26.

Passed their vote: Alvord, Anderson (Chouteau), Anderson (Silver Bow), Anderson (Lincoln), Bjerneby, Bloom, Brayman, Brennan, Chamberlain, DeDobbeleer, Finnegan, Hess, Johnson, McClain, Miller (Big Horn), Nelson, O'Shea, Parker, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Scott, Spiegel, Stortz, Vanek. Total 25.

#### REPORTS OF STANDING COMMITTEES

The Committee on Enrolling reported the following bills correctly enrolled: House Bills Nos. 396, 88, 40, 146, 38, 231, 168, 416, 379, 411, 159, 196, 94, 102, 212, Substitute House Bill No. 156 and House Joint Resolution No. 4.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Joint Resolution No. 4 introduced by me and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 416 introduced by me and find the same to be correct.

MANNING.

I have examined enrolled House Bill No. 379 introduced by me and find the same to be correct.

CROUSE.

I have examined enrolled House Bill No. 411 introduced by me and find the same to be correct.

MANNING.

I have examined enrolled House Bill No. 159 introduced by me and find the same to be correct.

SPIEGEL.

I have examined enrolled House Bill No. 196 introduced by me and find the same to be correct.

JOFFRAY.

I have examined enrolled House Bill No. 94 introduced by me and find the same to be correct.

HAMILTON.

I have examined enrolled House Bill No. 156 introduced by me and find the same to be correct.

SCHNEIDER.

I have examined enrolled House Bill No. 102 introduced by me and find the same to be correct.

CONNER.

I have examined enrolled House Bill No. 212 introduced by me and find the same to be correct.

ANDERSON (Phillips).

I have examined enrolled House Bill No. 396 introduced by me and find the same to be correct.

BRENNAN.

I have examined enrolled House Bill No. 88 introduced by me and find the same to be correct.

HAIGHT.

I have examined enrolled House Bill No. 40 introduced by me and find the same to be correct.

MILLER of Big Horn.

I have examined enrolled House Bill No. 38 introduced by me and find the same to be correct.

STORTZ.

I have examined enrolled House Bill No. 231 introduced by me and find the same to be correct.

SMITH.

I have examined enrolled House Bill No. 168 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 146 introduced by me and find the same to be correct.

MONAHAN.

The Speaker signed the following measures in Open Session: House Bills Nos. 416, 396, 88, 40, 146, 38, 231, 168, 379, 411, 159, 196, 94, 102, 212, Substitute House Bill No. 156, House Joint Resolution No. 4 and Senate Bills Nos. 156, 113 and 85.

## MOTIONS AND RESOLUTIONS

The Clerk completed reading the report of the Committee on the investigation of Silver Bow election frauds which was as follows:

**REPORT OF SPECIAL COMMITTEE TO INVESTIGATE ALLEGED  
IRREGULARITIES AND FRAUDULENT PRACTICES IN THE  
ELECTIONS IN THE COUNTY OF SILVER BOW,  
STATE OF MONTANA**

This Resolution invested your Committee with broad and plenary powers to carry on and to pursue the investigation directed and ordered by this House of Representatives, without arbitrary limitation or restriction, or defining the character of the investigation to be made. Following the context and the spirit of the Resolution, we your Committee have endeavored, during the exceedingly limited time at our disposal, and seriously circumscribed by our numerous conflicting legislative duties, to investigate, check and inquire into many phases of the alleged irregularities and fraudulent practices in elections in the County of Silver Bow and State of Montana; in this effort to secure the facts in relation to this important matter before the House, the Committee has examined forty witnesses under oath and interviewed many others, checked the records of the Supreme Court of the State of Montana and the District Court of the Second Judicial District in Dubie vs. Batani, the case of the State of Montana, plaintiff, vs. D. Levy, defendant, and a case of two young men, the names of whom were not learned, who were alleged to have attempted to fraudulently vote at one of the precincts of the County of Silver Bow, Montana; the first case involving an alleged election contest wherein Arthur Dubie, a citizen of the County of Silver Bow and the State of Montana, contended that he had been elected to the office of County Commissioner of the County of Silver Bow, State of Montana, and had been fraudulently deprived of his office; the second and third cases, originating in the last general election held in the County of Silver Bow, State of Montana, and involving especially the judicial ballots as cast for three candidates for the judgeships of the Second Judicial District of the State of Montana, in and for the County of Silver Bow. To this was added a somewhat detailed check of the records of the County Clerk and Recorder of Silver Bow County, Montana, with the idea of securing first hand information in relation to alleged fictitious names, the names of non-residents, together with the names of deceased persons alleged to have been fraudulently voted in elections held in the County of Silver Bow, State of Montana during recent years.

The testimony of these witnesses has been transcribed. The records of the Supreme Court of the State of Montana have been assembled, the results of the investigation of the office of the County Clerk and Recorder of Silver Bow County, Montana, are all contained in the compendium of information and facts which has been prepared and which accompanies this report.

In order to carry on this investigation, and pursuant to the Resolution above set forth, we employed stenographers and clerical hire in order that a definite record could be made of the facts found and conclusions reached. To assist in this, we further employed legal counsel who have devoted their time in examination of these witnesses and records and assisting this committee in their work.

The arduous duties of this Committee in relation to this investigation have been such as to require so much more time than was at the disposal of the Committee, that this Committee feels that, in all frankness, we should state that it was impossible to have made a sufficiently exhaustive investigation of alleged irregularities and fraudulent practices in the elections of the County of Silver Bow, as to have given this House of Representatives full information; each fact investigated, as well as each witness examined, contributed facts which led to other witnesses and to

other facts, and to have pursued it to the end would have resulted in unlimited time being spent. We do believe, however, that the very definite results from the investigation which we have been able to complete, brings to this House of Representatives information and facts sufficiently specific, and so well supported by sufficient proof, to warrant the accepting of the findings of fact, and in carrying out the actions or conclusions hereinafter recommended.

Second: The members of this House of Representatives will understand and fully appreciate the significance and great importance of the allegations and background which prompted the passing of the Resolution above set out. If the allegations upon which the Resolution was framed and which were given as a basis for the Resolution being passed and adopted by this House were true, then these facts and conditions will be such as to practically disenfranchise the voting population of the County of Silver Bow, State of Montana, and to reflect itself with great seriousness and very definite results in all state-wide and Federal office elections held within the State of Montana.

Most members of this House will agree that the most sacred right of the American citizen is that right which vests in him to honestly and without interference or coercion to cast his ballot upon questions and candidates submitted to him in the elections of his community. To have the American citizen either coerced, intimidated or fraudulently deprived of his right to exercise this privilege of franchise is most reprehensible indeed. To destroy the right of franchise is to destroy the most fundamental idea of American government. This is no platitude, but deals with the very essence of our government and citizenship. The people of the State of Montana are familiar with the charges and counter-charges hurled by candidates and others claiming to be familiar with the ways and means used in winning elections in the County of Silver Bow, Montana. This is evidence by the numerous telephone calls, communications and personal inquiries sent to and made upon every member of this Committee by citizens of the State of Montana, who reside in different parts of the State. The result in Silver Bow County elections giving huge majorities to certain favored sons of that community in state-wide elections, has been most forcibly impressed upon citizens of other parts of this state.

A general analysis of the conditions under which elections—city, county and state—are conducted in the county of Silver Bow, Montana, demonstrates a marked laxness in supervision and administration, together with a failure to observe the existing election laws to such a serious point that fraud in said elections appears to this Committee to inevitably result.

Third: The evidence of facts disclosed by the investigation and examination of this committee, among many other things, includes:

#### **Election Judges and Clerks:**

This laxness on the part of election judges and clerks is brought about primarily through an apparent deliberate effort on the part of the County Commissioners of Silver Bow County to fail to observe the spirit of the law now existing, which provides for the manner in which judges and clerks for elections shall be selected.

The law at present, in the opinion of this Committee, requiring that not more than a majority of the judges of elections chosen should be from one party is apparently in Silver Bow County deliberately ignored. Judges and clerks of election, witnesses proved, were chosen without regard to their affiliation with one party or the other, and with little or no consideration for their fitness or qualification for the job. This position has been defended by certain of the Commissioners, who have attempted to justify the position taken by them on the ground that, regardless of political affiliation, persons were chosen on the basis of their financial need.



One witness, upon being interrogated frankly stated that she had always been a member of the Democratic party, but that she served as an official of elections as a member of the Republican party; that she had protested about this fact to a member of the Board of County Commissioners of Silver Bow County, stating, "What will my friends think to have me listed as a Republican?" But wishing to earn the money involved, she had continued as a Republican election official.

Witnesses testified that in many precincts of Silver Bow County it is not uncommon for the judges of election to tally the vote on a temporary cardboard or paper, and then, after the vote is complete, to transcribe the tally, together with the totals, in the official tally book.

Such a cardboard is entered as an Exhibit in the proceedings of this Committee.

Three witnesses under oath, directing their attention to this cardboard, explained that it was for the purpose of facilitating the count and the chairman of the judges of one precinct explained that this had been his custom since 1920 and that from that date until the present, he had served as a Democratic official upon many occasions, and at the coming city election had been chosen to serve as a Republican judge.

One witness, directing her attention to the Exhibits 1 and 2, stated that she had requested information from one of the judges as to the purpose of this cardboard and was informed by that election judge, in substance, "Don't be a damn fool. These cardboards are prepared so that when we know how many votes we need, we can hold up the election and get them."

The evidence also disclosed that it is a custom frequently followed for the judges and clerks, in the precincts, to divide into groups of two or more and proceed with the counting of the official ballots which had been cast. This practice is the basis of unlimited fraud and is, in the opinion of this Committee, a flagrant violation of the election laws of the State of Montana.

#### **Names Illegally Upon the Books of Registration:**

In this connection, it is a fact that on or about eight years ago a private citizen, and at private expense, checked the registration lists in Silver Bow County and, as a result of said check, procured the removal of more than 1,000 names from the registration lists. This undertaking on the part of this citizen was a mammoth one, involving the employment of twenty-two people, paid employees, and numerous volunteers. This survey extended over a period of nearly one month, and at the conclusion more than 100,000 cards had been assembled for index purposes. At the conclusion of the check, the more than 1,000 names were removed from the registration books because of being illegally there.

Four years later, the same private citizen again engaged a large crew of helpers and once more checked the registration lists of Silver Bow County and had removed from said registration lists more than 400 names, found to have been upon the said registration lists illegally.

In passing, it is only fair to state that much of the talk and comment upon the dead voting in Silver Bow County is, in the opinion of this Committee, grossly exaggerated. A check of the registration lists of Silver Bow County, made by all the members of this Committee, assisted by the staff of the Clerk and Recorder's office of Silver Bow County, disclosed only one or two possible cases, and the testimony of witnesses was to the effect that, although other searches had been made, few if any of such dead persons were found to have been actually voted.

In relation to the dead, the Committee wishes to observe, however, that deaths occurring at a time in the month of August of a year, were shown in numerous cases not to have been cancelled or removed from the registration lists in the following July when the primary list was completed and used, thus permitting a period of ten or eleven months to elapse

when the names of persons known to be dead were on the registration lists still. Such a condition is the door to unlimited fraud in view of the fact that the statement of vital statistics includes a list of deaths and are public records. Such a list in the hands of unscrupulous persons, in the opinion of this Committee, makes it easy for the so-called "repeater" to function, and for the names of deceased persons to be voted.

### Intimidation and Coercion

There seems to be abundant proof of the fact that persons, at the instigation of persons interested in the outcome of elections, have been used for the purpose of intimidating and coercing election judges and clerks.

The evidence in the two Judgeship contest cases in Silver Bow County, resulting from the general election held November 3rd, 1936, as well as the evidence of witnesses taken before this Committee, which is embraced in the transcript of the proceedings of this Committee, shows that a United States Deputy Marshal, in the city of Butte, County of Silver Bow, State of Montana, upon governmental per diem and expense, and without instructions from any superior officer, visited the polls, in company with divers individuals, among whom were the friends and relatives of candidates for the judiciary, and thus interested in the district judgeship election of Silver Bow County, and used the prestige and influence of this office to intimidate judges, coercing them into turning the judicial ballots over to him for recount and inspection; together with the fact that certain other persons representing themselves to be deputized and representing United States Marshals, with authority to demand and inspect, to recount and to insist upon having removed from the official judicial ballots cast in certain precincts in Silver Bow County, ballots which the said persons claimed were spurious and illegal for various reasons.

The evidence of witnesses in the two cases mentioned, as well as that taken before this Committee, showed that the United States Deputy Marshal, accompanied by these individuals, had in a boisterous and noisy manner entered into the precincts and belligerently demanded the right to see and to recount the said ballots, stating that "a big steal" had taken place all over the County, that illegal ballots had been cast, that ballots were not properly stamped; and, upon securing the ballots, took them out of the presence of the judges and clerks and threw them on table tops, rummaged through them and then returned, demanding that certain numbers of the ballots be not counted and that the tally be changed, because of the fact that the ballots were not legal, had not been stamped or were so faintly stamped as to be illegible, and had been illegally cast at the election.

That in one precinct, because of the nervousness of the judges of election resulting from the attitude of the said United States Deputy Marshal, and those accompanying him, the tally in the judicial election was actually changed to meet his demands; that later the final count of the canvassing board showed that the original count of the judges in that precinct was inaccurate to the extent that one vote was changed. This, in spite of the fact that the United States Deputy Marshal and those accompanying him had contended that more than sixteen ballots should be eliminated or changed.

That these visitations of the United States Deputy Marshal were begun in the morning of election day, when—accompanied by a relative of one of the judicial candidates and in a car provided by this friend—the United States Deputy Marshal had called upon the judges of many of the precincts, informing them that it was rumored that a big steal was to be put over in the election in Silver Bow County and that he was there to prevent any rough stuff and left his telephone number. That the United States Deputy Marshal, under oath, stated that he was there on behalf of the candidacy of a United States Senator and was checking the federal election to determine that the election for United States Senator was not stolen; but from his own evidence it developed that his interest soon shifted

to that of the district judgeships of Silver Bow County and that these activities were continued until a very early hour of the morning following election day.

#### Activities of Candidates:

From the evidence submitted, it is apparent that many candidates, including the candidates for the office of United States Senator and of the District Judgeships of Silver Bow County, anticipated for some days before the general election of 1936, that there would be an attempt to steal the election, and as a result took an unusual interest in the choice of checkers in sufficient amounts to prevent a steal.

The evidence also showed that it was in this connection that the arrangement was made by relatives of candidates with the United States Deputy Marshal to have him appear at an appointed place at nine o'clock in the morning of election day, there to begin his patrol or surveillance of the different voting precincts in his effort to prevent such a stealing of the general election.

#### Incompetence of Election Judges and Clerks:

Because of the failure of the County Commissioners of Silver Bow County, Montana, to observe the spirit of the election laws of the state of Montana as hereinbefore mentioned, and for the further reason that judges and clerks of election apparently are not chosen for fitness, nor have they had any training in the technique of conducting an election, numerous irregularities are directly traceable to the indifference of the County Commissioners and lack of fitness of the judges and clerks of election.

The evidence in the two judgeship election contests, as well as the evidence taken before this Committee, shows that, because of the act of some person or persons in Precinct No. 36, wherein approximately 325 judicial ballots were stamped "Cancelled", and said ballots being later disallowed, 325 legally qualified and registered voters in that precinct were disenfranchised and their votes upon the important position of the judiciary were of no force and effect. This was a most unfortunate violation of the rights of the voters of this precinct, and whether deliberate fraud or resulting through the carelessness or lack of efficiency of the election judges and clerks does not change the fact that approximately 325 voters might just so well not have cast a judicial ballot in the election.

What appears to be a most deliberate attempt to stuff the ballot box and to steal the election, in so far as the judicial ballots were concerned is evidenced by the fact that the record as taken by this Committee, as well as the proof in the two contest cases in relation to the judgeships of Silver Bow County, shows that in a number of precincts more votes were cast upon judicial ballots in said election than the number of registered voters who cast their votes in the precincts on election day; while, on the other hand, in certain other precincts the number of judicial ballots cast were within three or four of the number of the total number of registered voters in said precinct.

Again, in other precincts, it was shown that a sufficient number of judicial ballots were cast to equal one hundred per cent of the total of registered voters in the precinct.

And in this connection the facts, as developed, were that in Precinct 1 there were 347 judicial ballots cast and the poll book showed 351 voters. In Precinct 3 there were 311 judicial ballots cast and the poll books showed 311 registered voters. In Precinct 7, the record shows 368 judicial ballots cast and the poll book shows 370 voters' names. In Precinct 8, the record shows 287 judicial ballots cast and the poll book shows 296 names of electors. In Precinct 9, the record shows 358 ballots cast and the poll book



discloses 365 names of electors. Again, in Precinct 10 the record shows 329 judicial ballots cast and the poll books indicate 310 names of registered voters. In this precinct, there being 19 more votes cast on the judicial ballots than there were electors. In Precinct 12, the record shows there were 315 judicial ballots cast and the poll book discloses 317 electors registered. In Precinct 13, the record shows 286 judicial ballots cast and the poll book discloses 290 electors. In Precinct 14 the record discloses 333 judicial ballots cast and the poll book discloses 335 names of registered voters. In Precinct 15 the record shows 398 judicial ballots cast and the poll book discloses the names of 402 electors.

Precinct 16 was another 100% precinct, the record showing 388 judicial ballots cast and one poll book disclosed the names of 388 registered voters and another poll book showing only 387. In Precinct 18 the record shows 546 judicial ballots cast and the poll book shows 553 names of electors. In Precinct 19 the record shows 416 judicial ballots cast and the poll books show 421 names of electors. Again in Precinct 20, there is a decided discrepancy. Here the record shows 370 judicial ballots cast and the poll books disclose only 357 names of electors, 13 more judicial ballots than electors being the final result. In Precinct 21, the count showed 286 judicial ballots cast and the poll books disclose 295 names.

A discrepancy of 14 names appears again in Precinct 22, when the record shows 578 judicial ballots cast and the poll books disclose 562 names of electors. In Precinct 23, the record showed 321 judicial ballots cast and the poll books disclose 329 names of electors. In Precinct 24 the record showed 366 judicial ballots cast and the poll books disclose 371 names of registered voters. In Precinct 26 the record showed 374 judicial ballots cast and the poll books disclose 380 names.

Again, in Precinct 28 there was an excess of three judicial ballots, where the record showed 368 judicial ballots cast and the poll books indicated the names of only 365 electors. In Precinct 29, the record shows 699 judicial ballots cast and the poll books show 711 names of electors. In Precinct 30, the record shows that 265 judicial ballots were cast and the poll books disclose 268 names of registered voters.

Precinct 31 was another 100% Precinct, where the record showed that 389 judicial ballots were cast and the poll books disclose 389 names. In Precinct 32, all but one elector voted, where the records indicate 322 judicial ballots cast and the poll books disclose 323 names of electors. In Precinct 34, the record discloses 332 judicial ballots cast and the poll books show 355 names of electors. In Precinct 35 the record shows 488 judicial ballots cast and the poll books disclose 513 names of electors. In this precinct, may we call the attention of this Honorable Body to the fact that 17 judicial ballots were found in the ballot box to be wrapped separately, all stamped with an official stamp, but no vote recorded for any candidate. Those 17 ballots were placed in an envelope and sealed.

In Precinct 36, it was found that 28 more people cast judicial ballots than were registered voters in that precinct; the record disclosing that 364 judicial ballots were cast and the poll book disclosing only 336 names of electors. This, also, being the precinct wherein the word "Cancelled" was stamped upon approximately 325 judicial ballots, none of which were counted. Again, in Precinct 36, the record discloses the following notation in relation to 50 ballots: Fifty ballots were found containing a stamp, on some of which the number appears and others no number. 314 ballots were found stamped with the official stamp.

Again, in precinct 38, the record disclosed 395 judicial ballots were cast and the poll books disclose the names of 402 electors. In Precinct 39 the count showed 485 judicial ballots cast and the poll books showed the names of 502 electors. In Precinct 40, the record shows 555 judicial ballots cast and the poll books show the names of 560 electors. In Precinct 41 the record showed 255 judicial ballots were cast and the poll book shows 258



names of electors. In Precinct 45, the record discloses 474 judicial ballots cast and the poll books show 476 names of electors. In Precinct 47 the record shows 396 judicial ballots cast and the poll books disclose 385 names of electors. In other words, in Precinct 47 there were 11 more judicial ballots cast than there were electors on the books. In Precinct 49, the record shows 468 judicial ballots cast and the poll book showed 472 names of electors. In Precinct 53 the record shows 515 judicial ballots cast and the poll book discloses 530 names of electors. In Precinct 54 the count showed 400 judicial ballots cast and the poll books give 396 names of electors. In Precinct 55 the record shows 391 judicial ballots cast and the poll book shows 394 names of electors. In Precinct 61 the count showed 116 judicial ballots were cast and the poll books show 117 names of electors.

As disclosed in the testimony of alleged fraud in the election of November 3rd, 1936, Precinct 11 has been a previous offender, the evidence in the case of Dubie vs. Batani indicating that the records in Precinct 11 had been tampered with to the extent that the vote was changed for one of the parties from 152 to 122, and that a recount of the vote in said proceeding gave to the same party the sum of 164 in lieu of the said 122 votes.

In the same proceeding of Dubie vs. Batani, the canvassing board found that, after the ballot boxes had been placed in the custody of the office of the then clerk and recorder of Silver Bow County, the seals had been broken upon several of the ballot boxes, and in support of the defendant, Batani, testimony was offered that ballots had been removed and changed.

In this case, also, the testimony of one of the precinct election judges was that she had signed a tally sheet before the polls had been closed and before the vote had been tallied at all.

Evidence was offered of the changing of the summarization sheets of the vote of the plaintiff Dubie, and photostat copies of said changes form part of the record of the proceedings of this Committee; the first summarization sheet showing a total of 152 votes for a candidate for the office of County Commissioner. These figures were stricken by running a pen through them and the figures 122 inserted. Later, the first summarization sheet, as signed by all the judges and clerks, was changed and a new sheet prepared, which said sheet was signed by only four of the election judges and clerks. The summarization sheet, as finally signed, disclosed not 152 votes for a candidate for the office of county commissioner but a total of 122, and this corrected summarization sheet does not contain all the signatures of all the election officials.

We respectfully call your attention to the fact that these irregularities occurred in Precinct 11, as heretofore pointed out.

In Precinct 9, in the Dubie vs. Batani case, evidence was offered of the fact that election officials called the name "Batani," when as a matter of fact the name Dubie was written and the vote had been, in fact, cast for the candidate Dubie. Upon the candidate Dubie, who was present, protesting, the election judge calling said names suggested to the candidate Dubie that the matter was the affair of the election judge and for him—Dubie—to "keep his nose out of it."

This transcript is hereby referred to by No..... of the records of the Supreme Court of the State of Montana, for the reason that it is extremely voluminous, being more than 900 pages in length. This transcript is accessible, being a public record.

It was in this same Precinct 11, wherein some one succeeded in putting into the ballot box 16 or 17 judicial ballots, all wrapped in a single package.

It is also shown that, without interference on the part of election judges or clerks, judicial ballots were stamped and placed in the ballot

boxes, some containing no Precinct number at all, some upon which the official stamp was half on the ballot and half on the stub, some official stamps had been so smudged as not to be legible, some had been stamped so faintly as not to be legible, while others clearly were stamped in ink the color of which was definitely different from the color of the ink used for election purposes on the third day of November, 1936, in the election held in Silver Bow County, Montana.

And in this connection, especial attention should be directed to the fact that in one precinct a judicial ballot stamped for a separate and distinct precinct was found in the ballot box as having been cast.

Lack of information and training, or timidity, on the part of election judges permitted, in the opinion of this Committee a wilful and unwarranted interference with judicial ballots cast in this election; the record disclosing that in one precinct, not only were the judicial ballots taken out and spread all over a table at a point away from the officials, but a count made and 16 or 17 of the original judicial ballots objected to by the counter, removed from the official judicial ballots; and, upon the insistence of the persons checking the official ballots, the number of votes shown to have been cast by the tally sheets changed to meet this demand. This condition wherein any citizen—however well meaning—could successfully coerce or intimidate an election official to change the result of a tally honestly made, is, in the opinion of this Committee, most unfortunate and reprehensible.

The record further shows that the belligerent attitude of certain checkers, the United States Deputy Marshal, and friends of candidates, was such as to have upset the orderly conduct of the business of election in certain precincts to such an extent as to have forced one judge to have "quit his job, left the precinct and gone to bed, refusing to return and to take any part in the demand for a recount." In passing, it was discovered that the judge so leaving, had taken with him the lock and key to the container into which the ballots were to be finally placed.

Not only were the facts heretofore called to the attention of your Honorable Body and testimony submitted to this Committee of the attempt to steal the election of November 3rd, 1936, of the stuffing of the ballot boxes, of irregularities in procedure; but records of the Supreme Court of the State of Montana, of the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow, so well as proceedings before this Committee; but also in the case of the State of Montana, plaintiff, vs. D. Levy, defendant, which related itself to a previous election wherein an attempt was made to consolidate the city of Butte and the County of Silver Bow, the information which forms a part of the record of the proceedings of this Committee discloses that the defendant, who was then a deputy in the office of the then county clerk and recorder of Silver Bow County was accused and placed under arrest and charged with the crime of having wilfully and unlawfully prevented the names of more than 700 qualified citizens of the County of Silver Bow from participating in said special election.

The conditions and facts were such in the County of Silver Bow, in relation to said election, that the then Attorney General was called in to file the information in this case and his name appears of record as the prosecutor thereof; and that the then county attorney of Silver Bow County is not named as counsel in said proceeding.

It was significant to the Committee that this case was permitted to drag for a period of more than six months, which is the statutory time within which such a case must be brought to trial and that the case, on motion of counsel for the defense, was dismissed for failure to prosecute.

Again the record discloses that in the cases of two young men who appeared in one of the voting precincts of Silver Bow County, in a previous election and were found to be making an attempt to illegally vote, when

placed under arrest and taken to the county jail were later released on the ground and for the reason that the mere attempt to illegally vote was not a crime.

Again, the record discloses that a man was arrested for repeating, during a previous effort to clean up the registration lists of Silver Bow County, and that within thirty minutes he had been released and was once again back at the precinct where the attempt to repeat had been made.

Witnesses further testified of the activities of a young resident of Silver Bow County, wherein the witness provided a car for the purpose of carrying certain women voters, who were employed, to the polls. Later, this car was found to have been completely wrecked and the explanation offered to the witness was that the driver had been carrying repeaters to the polls and, in an effort to avoid people who were following him had driven the car into a telephone pole and destroyed the car. Later, in a conversation in Helena, in the presence of people identified in this record, this young man repeated certain of these circumstances.

Witnesses further testified before this Committee that, at one of the polling booths of an election held in Silver Bow County, after closing time, in the precinct, the judges of election, who had charge of the register, were looking up names on the register which had not been voted that day, and they called these names to the attention of the judges and clerks and citizens present; the judges and officials then, without hesitating, signed the names of the persons whose names they had noticed on the register and immediately went in to vote them, pulling a straight row of keys on the machines as they voted. This was done on this particular day, perhaps fifteen times in the single precinct. Finally someone suggested that the witness sign a name. The witness testified that she was shocked and stated to them, "You infernal scoundrels; you infernal election thieves; I will go to the city hall and have every one of you arrested." And the man on the door followed the witness out; later a number of them followed her out into the hallway and the man said, "Who will help you at the city hall? They know what we are doing and it will be only your word against my word anyway." This witness designated names of persons who voted as herein set forth.

In Precinct 53, which is the Whittier School Precinct, the evidence shows that a relative of one of the judicial candidates, heading a group of several, entered the precinct in a very boisterous way and demanded the right to see the judicial ballots; that, in making this demand, he stated, "We have a Deputy United States Marshal with us." The judge said, "Where is he?" The gentleman replied, "He could not come, but he deputized me." The judge asked him, "Where is your authority?" and he replied, "I don't need any." The evidence here also shows that the three women judges were very much unnerved and up-set as a result of the conduct of these visitors, who remained there from a period of one-half to two hours. The facts also proved conclusively that the statement of this man that he had been deputized as a United States Marshal was false; also that had he not made the claim that he was deputized that the ballots would not have been shown to him. The evidence showed that the relative of this judicial candidate was very insistent upon counting the judicial ballots and that he was permitted to do so. This man made no claim of finding any discrepancies in the judicial ballots of Precinct No. 53.

In relation to flagrant mistakes and evidence of the lack of knowledge on the part of election judges and clerks, we respectfully call the attention of this Honorable Body to the detailed information, as contained in the report of the Board of Canvassers of the County of Silver Bow, Montana, in relation to the judicial ballots canvassed in several precincts; that record being filled with detailed mistakes of failure to place official precinct stamps upon the ballots, and of ballots excluded upon one ground or another. For instance, in one precinct, it being shown that the candidates



for county attorney received more votes than had been cast by registered voters in this election.

While, in the following precincts, the errors pointed out resulted in the judicial ballots cast by qualified voters being thrown out:

In Precinct 1, one ballot was found to have no official precinct stamp; in Precinct 3, one ballot had no official stamp; in Precinct 7, one ballot had no official stamp; in Precinct 9, four ballots had no official stamp; in Precinct 10, nineteen ballots were found from which it appeared, upon comparison with official stamp found on other ballots, that the ink used on these nineteen ballots was of a different color than that used on the other ballots. In the same precinct, it was further found that 26 ballots, upon which the stamp appeared it was only partially readable, and that no precinct number appeared. The stamps in many instances were blurred. In Precinct 12, one ballot was found without the official stamp; 7 ballots appeared to have the stamp but were badly blurred and the number could not be read. In Precinct 13, two ballots were found without the official stamp; in Precinct 14, one ballot was found without a stamp; in the same precinct 174 ballots were found whereon the stamp appeared blurred, but the precinct number could not be deciphered. In Precinct 18, four ballots appeared to have the official stamp on which the precinct number could not be read. In Precinct 19, one ballot was found with the official stamp of Precinct 21. In Precinct 20, thirty-nine ballots had no stamp; on some the official stamp could not be read; on others, part of the stamp could be read but no precinct number appeared. The total of all these defective ballots in this precinct was 39. In Precinct 29, one ballot appeared without an official stamp; in Precinct 22, eighteen ballots were found where the number of the precinct could not be read on the stamp. Eight ballots had no official stamp. In Precinct 23, one ballot was found without the official stamp. In Precinct 28, an envelope was found in the ballot can containing the following quotation, "These ballots were voted and not stamped." There was found therein 14 ballots, upon which no official stamp appeared. In this precinct, it also appeared that there were three more ballots than there appeared names on the poll books.

In Precinct 30, seven ballots were found bearing a stamp on which the precinct number could not be read; one ballot had no official stamp. In Precinct 31, eight ballots were found with the official stamp, but upon which the precinct number could not be read; three ballots were without the official stamp. In Precinct 34, one ballot contained a stamp on which the precinct number could not be read. Precinct 37 has been heretofore mentioned.

In Precinct 36, fifty ballots were found containing a stamp on some of which the number appears and on others no number appears.

We have heretofore referred to the more than 300 ballots marked, "Cancelled."

In Precinct 38, the names of candidates on one ballot were encircled in lead pencil; two official ballots with no official stamps were not counted. In this precinct also an examination of the poll books showed no names on Lines 24 and 25. All other lines were filled.

In Precinct 39, on one ballot the official stamp appeared but the words could not be read and the number did not appear. Five ballots had no official stamp.

In Precinct 41, eleven ballots were found, bearing the official stamp but not voted. These ballots did not appear to have been voted, but were placed loosely in the ballot box. Six ballots also had no official stamp.

In Precinct 47, seven ballots were found with the official stamp but the precinct number did not appear. There were three ballots without the official stamp. In this precinct the judicial ballots exceeded the number of voters' names appearing on the poll books.



In Precinct 49, one ballot was torn in half, without the official stamp. In Precinct 54, three ballots bear the official stamp, the wording of which is not readable; three ballots have no official stamp; while 49 ballots were found, bearing the official stamp, which had not been voted. In Precinct 55, three ballots were without the official stamp; one ballot with the official stamp, the precinct number could not be read. In Precinct 61 one ballot was found without the official stamp.

In one of the precincts, the record shows that a judge left the polling booth and shortly thereafter returned with at least one ballot which he admitted having filled out, and which he deposited in the ballot box. This ballot was filled out by him in another building and while away from the polling booth. His explanation was that he had done it for his mother. His action in relation thereto was seen by a candidate who reported the matter, and that witness appeared and testified before this Committee.

The check of the detail of these precincts indicates that more than 250 illegal ballots were accounted for in the recheck of the judicial ballots. In this connection, this Honorable Body should bear in mind that approximately only 45 of the ballot boxes were opened of all the ballot boxes in the 63 precincts.

#### **Proof of 750 Illegal Ballots Being Circulated:**

In the proceedings of this Committee, and in the pleadings of the parties of the election contest cases in relation to the judgeships of Silver Bow County, resulting from the election of November 3rd, 1936, there is verbal and record proof of the fact that 750 illegal and spurious judicial ballots were circulated and used for the purpose of stuffing the ballot boxes in the different precincts of Silver Bow County, Montana. The verbal evidence is offered by well-known persons, residents of the County of Silver Bow, State of Montana.

One witness, sworn in both the proceedings before this Committee and in the cases referred to, testified as follows:

JOSEPH V. FLAHERTY, a witness being first duly sworn, testified on behalf of the Contestant herein, as follows:

#### **DIRECT EXAMINATION BY JOS. J. McCAFFERY, SR.**

Q. State your name please?

A. My name is Joseph V. Flaherty, I am a court stenographer and was such court stenographer in Department 2 until this morning when I handed in my resignation. I have resided in Silver Bow County for more than forty years, and was here on election day, on the third of November, 1936.

Q. Are you acquainted with Bill Kelly, probation officer?

A. I am, I have known him for about four years.

Q. And do you know who appointed him to his office?

A. I do, Judge Riley appointed him.

Q. And do you know Jack Duggan?

A. I do, he is night chief of police for the City of Butte, Montana.

Q. And do you know James Hannifin?

A. Yes, he is a gambler and saloon keeper.

Q. And did you see those people on the 3rd day of November, 1936.

A. I did.

THE COURT: Just a minute, those names are all unfamiliar to me, there were three of them as I understood, name them again.

A. Bill Kelly, Probation officer, Jimmy Hannifin, saloon keeper and gambler, and Jack Duggan, Night Chief of Police.

THE COURT: Go ahead.

Q. Did you see those men together on the third, or any of them, or one or two on the third day of November, last?

A. I saw Mr. Kelly and Mr. Duggan together in the forenoon sometime, either before or after 11:00 o'clock, saw them coming out of the hallway over here where Mr. Kelly's office is going on down the stairs.

THE COURT: Let me get that, coming down the hallway, tell me where this hallway is.

A. Right across the way, inside the courthouse of Silver Bow County, right across over here, from Kelly the probation officer's office.

Q. Where did you next see either of the three men you have mentioned?

A. I next saw Jack Duggan coming in the sheriff's entrance of the courthouse, and had a conversation with him there.

Q. What was it?

A. Well, I was with another man and he started to tell the other man that he had just deposited, as I understood, sixty ballots over in the Washington School.

Q. That would be Precinct No. 11?

A. It was Precinct 11.

THE COURT: You said, "He started to tell the other man," who was the other man?

A. He did tell him.

Q. Who was the other man?

A. He is a friend of mine, and I don't care to mention his name.

Q. Who was the other man? It is necessary, that conversation is not competent until we first learn who all was present.

A. Well, Judge, I am not at liberty to say who the other man is.

THE COURT: Mr. Flaherty, the Court, Perhaps your position doubtless would inform you about this, but it is necessary for you to state who the other man is. The Court would be very reluctant to do the very thing the Court will have to do, unless that question is answered.

A. Well, I don't want to tell you who that other man is, they know who he is. If they want to bring it out, they can. It don't enter into my story for that matter or anything at all about it. The other man wasn't there the whole time, anyway.

MR. McCAFFERY: I ask the answer be foregone for a little while, Judge.

THE COURT: The question will have to be answered or it becomes the duty of this Court, as you all know, to adjudge this witness in contempt of Court.

MR. McCAFFERY: I would like to put the question later, Your Honor, but I would like to develop some more testimony before I would put that question.

THE COURT: The Court does not need, and should not be obliged to remind counsel that here is a conversation being material, before one particle of that conversation may be released, as part of the foundation for its release, it becomes necessary to know who was there, doesn't it?

MR. McCAFFERY: It—Those present are, usually.

THE COURT: Not usually, always.

MR. McCAFFERY: It is usually a matter for cross examination.

THE COURT: Very well, you may proceed. What else was said there, Mr. Flaherty, what did Mr. Duggan say?

MR. HOWARD: We object to this witness testifying to any conversation he heard, unless he states the people who were present, and the time he was present.

THE COURT: Objection sustained.

MR. McCAFFERY: I withdraw the question for the present.

THE COURT: We will stop right here, let the record show, that of course this Court did not know of any such condition prior to asking the question, and according to the evidence as it now appears, this witness and some other person whose name is not disclosed met a Mr. Kelly was it, or—

A. Mr. Duggan.

Mr. Duggan and a conversation there occurred, part of which the witness has related. The Court now repeats the question, "Who was, or what is the name of the person who was then with you?"

MR. McCAFFERY: If the Court please, will you give us a recess of perhaps a minute so that we may talk to him. It is a highly embarrassing situation.

THE COURT: I shall be very glad to do that. I am afraid the witness, the Court is always reluctant to use the power lodged with him, probably the witness doesn't appreciate the seriousness of the situation in which this leaves the Court. Nothing but one thing to do, and therefore I think he needs the advice of counsel.

J. J. LYNCH: I want to say, Your Honor, Mr. Flaherty doesn't mean to be disrespectful, he respects Your Honor highly.

THE COURT: I believe that is true, and I will afford an opportunity to the witness to confer with Judge Lynch or with other counsel, and to that end we will be at our ease for five or ten minutes, according to what time you may need.

RECESS.

COURT RESUMED.

THE COURT: I want this record to show before any further proceedings, that the Court in asking this witness this question, had in mind, solely, the development of the facts, that the Court had absolutely no information about that matter of any kind or nature, not a scintilla.

MR. McCAFFERY: I can certainly confirm that statement, Judge.

THE COURT: The Court has developed a fact. As far as the Court is concerned, the Court must decide certain things here to get the facts, and when the witness takes the stand, the Court expects to ask him any question that is material, and the issue is such, and the record should so show, because it is not my purpose to embarrass anyone here, if the facts embarrass someone, I can't help that. I didn't make the facts, go ahead.

Q. Who was the person that accompanied you when Mr. Duggan made the statement?

A. Judge Downey.

Q. And what, if anything, did Judge Downey say?

MR. NOLAN: Objected to as hearsay.

MR. McCAFFERY: Part of the res justa.

Argument by Mr. McCaffery and Mr. Nolan.

THE COURT: Go ahead and relate the whole conversation. OBJECTION OVERRULED, let it be a part of the general objection counsel made to the whole matter.

MR. NOLAN: The testimony so far has not been objected to on this.

THE COURT: Go ahead.

Q. You may proceed, Mr. Flaherty.

THE COURT: Now, Mr. Flaherty, if you can just start in at the beginning and tell everything that was said by all three of you there, to the best of your ability, and repeating it as nearly as you can, in the same language that was used, you can do that approximately, as nearly as you can.

A. Of course, I can't repeat the words, Judge, it is the substance, and practically the words, as near as I can remember them. We met Jack Duggan and some one said, "Hello Jack," or something to that effect and he said, "Well, I just came from the Washington and," as I understood, "got rid of sixty ballots there."

THE COURT: That was, who said this?

A. Mr. Duggan, and Judge Downey said, I don't remember just the words, but practically to the effect, that you are going to get us all into trouble, so many ballots, and Mr. Duggan said, "No, they will never notice them." He said that he had gotten rid of 275. Then about that time, some one else came up to the entranceway there, and stepped into a little hallway, and the Judge went in with them, and I was there alone with Mr. Duggan and I said, "For God's sake, I don't see what you want to do this for, Downey had plenty," or something to that effect, "They couldn't beat him." He said, "Well, Bill Kelly was going to put them in for Riley and in order to protect Downey," he put Downey's name on most of them, with a few on for Tyvand and a few for Lynch. I asked him how many there were, and he said, "750."

Q. Did he make any explanation of casting votes for Tyvand and Lynch?

A. He said he voted a few for Lynch and a few for Tyvand to throw them off.

Q. Where did you see Jim, the gambler?

A. Jimmy Hannifin, I was up at Walkerville, and I saw him going by on the road, with three or four fellows in the car with him.

Q. And did you have any personal conversation with him, Mr. Hannifin?

A. Not on the 3rd, no.

Q. Did you, regarding this matter, either before or after the third?

A. Before the third, I did.

Q. What did you, what was the conversation with him, if any?

THE COURT: I think we ought to develop where he was and who was there, if anyone, was anybody else present when you had the conversation with Hannifin?

A. Just he and I.

THE COURT: Where was that conversation?

A. In Judge Downey's chambers.

Q. What was said?

MR. HOWARD: We object to this same line of testimony. We object to this as being hearsay testimony, not material in this case and self-serving disclosures by persons not a party to this suit.

THE COURT: I didn't get this fellow's—

A. James Hannifin.

THE COURT: The three, one of the three you named?

A. He was one of the three, Judge.

THE COURT: What date did you say this conversation took place on which you are now leading up to.



A. It would be either Saturday or Friday before election, election was on Tuesday, no either Monday or Saturday. It was Saturday.

THE COURT: Did this conversation relate to this same matter about ballots?

A. Yes.

THE COURT: The objection is overruled.

Q. You may state what that conversation consisted of?

A. Mr. Hannifin was talking about a list of his men, whom, I understood, were to be checkers, that he was going to loan, or that he would have them check for us and after the conversation he asked me who I knew that wasn't voting, and I said, "What do you want them for?" He said he wanted to vote them and I said, "My God, Jimmy, don't do that, we don't need them," meaning Judge Downey when I said, "We," we have no chance to be beaten, and he said that his feet always itched for that.

Q. To do that kind of voting?

A. Yes.

THE COURT: Was there anything said in that conversation about where the ballots were to come from to be used that way?

A. Well, as I understood it, Judge, at that time, was, he wanted to know if I knew anyone that wasn't going to vote, who would be away, he would vote them.

THE COURT: Was there anything said where the ballots were to be voted?

A. No, I took it for granted he would go in vote somebody else's name.

THE COURT: All right, go ahead.

MR. NOLAN: We move to strike that, not responsive, he is giving an interpretation.

THE COURT: That is correct, strike it out.

Q. Mr. Flaherty, do you know whether or not any of these men you have mentioned were active, particularly so for any candidate in the campaign for judicial office?

A. You mean of these three?

Q. Those three?

A. Yes, I know they all three were.

Q. How about Mr. Kelly?

A. He is one of the three.

Q. Did you have an opportunity to observe his activity?

A. Yes.

Q. And on behalf of whom?

A. On behalf of Judge Riley.

Q. Do you know whether or not Mr. Kelly was interested in helping the candidacy of Judge Downey?

A. Well, I know he was not.

Q. That he was not, and do you know whether or not a subsequent change took place in his attitude to Judge Downey?

A. All I know is—

MR. NOLAN: This is objected to as incompetent, Mr. Kelly's attitude. Objected to as calling for incompetent evidence and a conclusion of the witness.

THE COURT: Sustained.

Q. Do you know whether or not Mr. Kelly had any cooperation at all with Mr. Downey's candidacy before a couple of days prior to election?

A. I know—

MR. NOLAN: Objected to as incompetent.

THE COURT: Objection overruled. The question can be answered by yes or no.

A. I know that—

THE COURT: Just a minute.

MR. McCAFFERY: Couldn't be answered by yes or no.

THE COURT: Yes, it can be answered by yes or no. Do you know? Mr. Flaherty, do you know?

A. Yes, I know.

Q. Did he or did he not?

A. He did not.

Q. Did he, prior to election, center cooperation—

MR. HOWARD: We object, calling for a conclusion of the witness.

THE COURT: Objection sustained to that question.

Q. Do you know whether or not Mr. Kelly visited Judge Downey a couple of days before election?

MR. HOWARD: To which we object, on the grounds that the question is irrelevant, incompetent and immaterial, unless he shows that he knows what the visits were for.

THE COURT: Objection sustained.

A. He might have visited Judge Downey a day or two before election.

THE COURT: If you made a definite purpose, that alone, standing alone would mean nothing.

MR. McCAFFERY: It was not standing alone. We have shown he was in cooperation, in fact he was against Judge Downey until a couple of days before election.

THE COURT: Well, at any rate gentlemen in a matter of this kind, wherein its materiality would issue here, it must be conceded by every one that insofar as Judge Downey is concerned, the petition here does not state cause of action because the petition specifically states that a recount of the ballots would not affect Judge Downey's election, wherein does this become material.

MR. McCAFFERY: Our argument is, Your Honor, on account of Mr. Duggan being a close friend of Judge Downey, was that change brought about through the influence of Mr. Duggan, or through the Kelly-Duggan combined forces.

THE COURT: Very well, let us believe there was, wherein does that become material. I am seeking information, answer me?

MR. McCAFFERY: Only for the purpose of cooperating in casting illegal ballots.

THE COURT: By whose cooperation?

MR. McCAFFERY: Mr. Duggan and Mr. Kelly and for that purpose we consider the change of attitude by Mr. Kelly toward Judge Downey would be significant.

THE COURT: Objection sustained. I will afford you an opportunity to make an offer of proof, you may make that into the record, that will afford an opportunity to the Court to get a view of the whole situation you have in mind, if you care to do that.

Q. Mr. Flaherty, do you know where Precinct No. 40 is, in Silver Bow County?

A. I do.

Q. Were you at or about Precinct 40 on the third day of November?

A. I was.

Q. Did you see either Mr. Duggan, Mr. Kelly or Mr. Hannifin on that occasion?

A. Not there, no sir.

Q. Did you see them on your way to it?

A. No.

Q. Did you see them about that time?

A. Well, I think what you mean, is some of Mr. Hannifin's men?

Q. Yes.

A. I saw some of his men.

MR. HOWARD: We object to that answer and ask it be stricken, not responsive to any question in the record, and a voluntary statement of the witness. We have had no chance to object.

THE COURT: Make your objection.

MR. HOWARD: I amend the record as it stands, "Did you see anybody there?" He said, "No."

THE COURT: Strike out the last statement.

Q. Did you have personal knowledge of any other person having purported to have cast illegal ballots?

A. Yes.

Q. Who was there?

MR. HOWARD: Objected to, as hearsay.

THE COURT: Sustained. First was necessary to show the nature of that knowledge, how he acquired it, whether or not that is competent.

Q. How did you acquire knowledge of any other person outside of either Mr. Hannifin, Mr. Kelly or Mr. Duggan being engaged in operating illegal ballots?

A. We were at 40—

MR. HOWARD: Just a moment, we object to the question in this form, on the grounds it is a leading question.

THE COURT: Overruled.

A. Went to Precinct 40 and drove around the corner of Mercury Street onto Clark Street and there was a car just getting ready to start with four or five men in it, and the Judge says, "There are some of Jimmy's men."

Q. By the Judge, who do you mean?

A. Judge Downey, and we stopped and hollered, "Hello," at them and as I got out he said, "Hello Jeff" to one of these men and then they told us that they had just gotten rid of 40 in that precinct.

THE COURT: Q. Forty what?

A. That's what they said, Judge.

Q. Just said 40?

A. 40.

Q. That was Precinct what?

A. That was precinct 40.

Q. Did you have any subsequent conversation regarding this with either Mr. Duggan or Mr. Kelly or Mr. Hannifin?

A. Didn't talk with Mr. Kelly about it at all, or anyone here, I told you in that first conversation with Mr. Duggan, he said that they had—

MR. NOLAN: This is objected to as not responsive.

THE COURT: Sustained.

Q. Did you have any subsequent conversation with Mr. Duggan relative to ballots?

A. On the third?

Q. Yes?

A. That was in the first conversation. I did. I told you all that he said, that they had circulated, or words to that effect, that was the last of the 750, and I did have a subsequent conversation the next day.

Q. Where did that take place?

A. In my office.

Q. Anybody else present?

A. He and I.

Q. What was said then?

MR. NOLAN: Objected to as hearsay.

THE COURT: Overruled.

A. He asked me how the judges' election was going, referring to Riley and Lynch, and I told him I thought that Lynch was elected, and he said he was sorry that he got into the thing, and the only way he got into it was that when Kelly was voting those for Riley, and that's what drew him into it. He also said it was the first time he had ever had anything to do with anything like that. I had a subsequent conversation with him also—

MR. NOLAN: All under the same objection, hearsay.

THE COURT: The question is answered, I think.

Q. I didn't get that last statement?

A. I said I also had a subsequent conversation.

Q. When was that?

A. It was several days later, he and I in my office, and he asked me if I had said anything about it and I said, "No," and he said that he never had anything against Judge Lynch and in fact he said he went up to get one of his aunts to vote for Judge Downey alone, and that she said, "No," she had always voted for Judge Lynch and she was voting for him now, and I said, "We will forget it," and he said, "All right." I believe that was all.

Q. That is all.

#### CROSS EXAMINATION BY MR. NOLAN:

Q. How long have you been a stenographer, Mr. Flaherty?

A. I have been a stenographer about forty years, and all told I was engaged as an official court reporter, thirty years, in this Silver Bow Court for Judge Lynch and for Judge Downey. I was official court reporter for Judge Lynch twenty six years, and that was under appointment by Judge Lynch, and I held that appointment until the time Judge Lynch was defeated in 1932.

Q. With whom did you file your resignation this morning?

A. Judge Downey.

Q. It isn't on file with the Clerk of the Court yet?

A. I gave it to Judge Downey, he is the one that attends to that.

Q. For what reason did you resign?

A. Well, I resigned because I was going to tell what occurred, and I thought it would involve some of his friends and I did not intend to get Judge Downey's name in here at all, unless forced to get in the rest of the testimony. That was the only reason I had for resigning, and I thought Judge Downey wouldn't want any one working for him, who would testify to those facts against his friends.



Q. Did you discuss it with Judge Downey, whether or not he was in favor of giving this testimony?

A. I handed the Judge, do you want to know how it occurred?

Q. I think my question is clear, did you discuss it with him?

A. When?

Q. The matter of this testimony, at any time before you handed in your resignation?

A. Afterwards. I handed in my resignation, told him I was going to testify, and he started to tear up the resignation, and said, made some remarks about didn't need to hand in my resignation, then afterwards, why he called me out and asked what I was going to testify to, and I told him I was testifying about what occurred, and that was practically all.

Q. When did this conversation take place?

A. A little while before noon.

Q. Now, did you see any ballots that were cast by Jack Duggan on election day?

A. I saw none of them, no.

Q. Did you see James Hannifin cast any ballots on election day?

A. No.

Q. Did you see William Kelly cast any ballots on election day?

A. No.

Q. Did you see, ever see any ballots in the possession of any of those people on election day?

A. No.

Q. And the man you refer to that you saw in Precinct 40, by the name of Jeff, that was the name referred to, somebody called him Jeff?

A. Yes.

Q. Did you see any ballots in his possession at that time?

A. No.

Q. Did you see him cast any ballots?

A. No.

Q. Did you see anyone on November third, 1936, at the general election here, cast any ballots?

A. No.

Q. And you never saw any ballots that were supposed to be fraudulent cast on that day, did you?

A. No.

Q. Now, of course, you were on good terms with Judge Lynch?

A. Yes.

Q. You were on good terms with Judge Lynch, and he lost his job and he didn't fire you for anything when he ceased to be judge last time in 1932?

A. No.

Q. You are interested in the outcome of this election?

A. No.

Q. If Judge Lynch is elected, you would work for him wouldn't you?

A. I would work for any one I can get a job from, yes.

Q. You expect, if he is elected, you will take a job from him?

A. I have no expectation on that, had none. I have expected to work for Judge Downey all the time.

Q. Now, in the, on two different occasions here in your testimony, or more, you said that when any of these questions were brought up to you, "That Downey had plenty," just what do you mean by that?

A. Well, I meant that for about six weeks I had been around to see everyone I knew, talking to them about Judge Downey, and his chances for re-election, and I never heard one say that they wouldn't vote for him, and

every one said they knew him and they talked about him, and every one they talked to were voting for Judge Downey, so I meant that Judge Downey had plenty, and did not need any of that other kind of vote.

Q. You know Jimmy Hannifin?

A. Yes.

Q. Do you know whether or not he is a friend of Judge Downey?

A. I know he is, yes.

Q. As I understand it, your testimony, he wasn't in on any of those ballots with Kelly?

A. That was my understanding, that he was distributing them through his men, yes.

Q. Wasn't it, didn't you testify that he wanted the names of some people who were out of town?

A. He wanted those, yes.

Q. And it was your understanding he was going to vote those names?

A. At that time, yes.

Q. If he voted a name, he didn't need any extra ballot?

A. Those kind of votes, yes, but that was another.

Q. That was another angle?

A. Yes, about 25 others, 2500 others.

Q. These suggestions were made to you directly?

A. Absolutely.

Q. By Jimmy Hannifin?

A. Yes.

Q. You knew he was going to put repeaters in the field?

A. I thought it was for our man, and I warned him that he didn't want anything of the kind.

Q. But you did see his men out then that night?

A. That afternoon.

Q. What time did you have this conversation with Duggan, the first one?

A. Well, it was some time between 2:00 and 3:00.

Q. Between 2:00 and 3:00 o'clock, and Duggan, at that conversation said he had got rid of 275?

A. Yes.

Q. Now, when was the first time that Hannifin suggested to you that he was going to use repeaters?

A. Just what I said there, Saturday before election.

Q. Two days before election?

A. That was it.

Q. Then you actually saw men that were working for Hannifin, actually engaged that day?

A. I was told they were his men.

Q. You saw them coming out of a precinct voting place?

A. No, I did not, just heard their words, what they said.

Q. Who told you they were his men?

A. What?

Q. Who told you they were his men?

A. Judge Downey.

Q. And did you disclose that information to anyone before the present time?

A. You mean, I disclosed about the 750 ballots right after the election, that I knew there was 750 ballots, I did not disclose any of this that I

have testified to now, until yesterday, I told the attorneys of Judge Lynch and Judge Lynch.

Q. And you never disclosed anything about Hannifin until yesterday?

A. Yes, I mentioned Hannifin lots of times. I thought. I realized what had been done and how I had been played for a sucker and so on, and I mentioned him right along.

Q. You mentioned that he was going to be a repeater?

A. That I knew he was engaged in it, yes.

Q. You know any more of them in Silver Bow County?

A. That do this?

Q. Yes?

A. Well, I found out the names of them people since this thing started, and I saw the names of a great many, yes.

Q. Of the men that have people working for them?

A. Yes, and they do the same thing, repeat, and have men working for them.

Q. Who are some of those people?

A. Well, I saw a lot of them I didn't know.

Q. The names that you knew?

A. I can't remember the names. I saw the names on a list.

THE COURT: Let me suggest, that this would be probably immaterial at this hearing, unless you propose to show that they acted, and not only that, but it must go a step further and show that they acted as such in this judicial election. It is immaterial here, it might be the start or subject of a most vigorous investigation by a county attorney or a grand jury, or both. Go ahead.

Q. Do you know where there was any other repeaters working at this election at this time?

A. Personally, I am not a detective, and I wasn't looking for anything of the kind.

Q. Do you know?

A. Do I know?

Q. Whether there was any other repeaters out working on the judicial election besides this Hannifin you mention?

A. That's all I know about.

Q. Did Hannifin indicate or say he had anything to do with Riley?

A. Well, of course, I couldn't see the connection until after it was done.

Q. Hannifin never told you at any time when he was talking to you, that he was out for Riley?

A. I knew that his men were, yes, afterwards, on election day.

Q. Any time before that?

A. Not before that.

Q. Never did admit to you he was helping Riley?

A. Not before election day, no.

Q. Have you disclosed any of these offenses to the county attorney?

A. The county attorney is sitting right there. He knows all about it. (Indicating Mr. Clarence Hanley, Deputy County Attorney).

Q. You never made any disclosure?

A. The whole town knows it, doesn't have to come from me.

Q. Answer my question?

A. I am not interested in the county attorney's business.

THE COURT: Let us not have this arguing. I suppose counsel means before this time?

A. No, Judge, I am not an informer. It was none of my business.

MR. NOLAN: For the purpose of the record, the person indicated as the county attorney is not the county attorney. The county attorney is not present.

THE COURT: That is immaterial here, we are not trying the county attorney.

Q. That is all.

RE-DIRECT EXAMINATION BY MR. HcCAFFERY:

Q. You said that you spent about six weeks rather actively campaigning for Judge Downey?

A. Yes. I did not campaign for any other judicial candidate, but I knew how the others were running.

Q. That is all.

WITNESS EXCUSED.

Subscribed and sworn to before me this.....day of.....1937.

On the other hand, an excerpt from the testimony of the person referred to by Mr. Flaherty is as follows:

JOHN DUGGAN, witness having been first duly sworn, testified on behalf of the Contestee herein, as follows:

DIRECT EXAMINATION BY MR. TIMOTHY NOLAN:

Q. What is your name?

A. My name is John Duggan and I reside at 835 West Park Street, Butte, and I have lived in Butte for forty-four years. I am at present night chief of police of the City of Butte.

Q. Were you present in Court during the testimony of Joseph V. Flaherty?

A. Just part of it, just the last part of it.

Q. How long have you known Mr. Flaherty?

A. Oh, I have known Mr. Flaherty may be twenty years, and have known him as an official court reporter for a good many years.

Q. Did you talk to Mr. Flaherty on election day, on the 3rd of November, 1936?

A. Yes, I seen Mr. Flaherty once on election day.

Q. And where did you see him, Mr. Duggan?

A. I was coming out the side door of the sheriff's office and he and Judge Downey were coming in, and I talked to the both of them.

Q. And what did you talk about Mr. Duggan?

A. Well, as to how the election was going, and that would be in the afternoon sometime, I didn't get up until 11:00 or 12:00 o'clock.

Q. Your duties are performed at night?

A. Night shift all the times, yes.

Q. You say you saw them at the entrance to the sheriff's office?

A. In the hallway, at the side door of the sheriff's office, they were inside.

Q. Is that in this courthouse where we are holding court?

A. Yes.

Q. Did you at that time and place, in the presence of Joseph V. Flaherty, and in the presence of Judge Downey use substantially the following



language, "Well, I just came from the Washington and got rid of 60 ballots there."

A. Did I use that?

Q. Yes.

A. No sir.

Q. At that time and place did Judge Downey say anything to you?

A. Well, just told me, I asked, the conversation was with Downey, asked him how things were looking, he said, "All right."

Q. He was talking about the election?

A. Yes, the election.

Q. He asked you how things were going?

A. Yes.

Q. What did you say?

A. I said, "Looks all right." I said, "I just got you 25 or 50," or words to that effect, and passed it off, and I went on in.

Q. What were you doing on that day with regards to the election of Judge Downey?

A. Well, with reference to the election of Downey I had my car and taking my mother and relatives to vote.

Q. You, had you been persuading, or attempting to persuade your friends and relatives to vote for Judge Downey?

A. Absolutely.

Q. Now, did you get rid of 60 ballots at the Washington?

A. I only seen one ballot election day. I got that when I voted myself.

Q. Where do you vote?

A. At the Lincoln School, no the McKinley School on West Park Street.

Q. Did you cast sixty ballots on that day?

A. No sir, I cast one.

Q. Did you cast any ballots on that day at the Washington School? That precinct?

A. I wasn't in the Washington School Precinct that day at all.

Q. Now, did Downey say at that time and place in your presence, and in the presence of Mr. Flaherty, anything to the effect that you are going to get us all in trouble with so many ballots?

A. No sir, that's the only conversation we had. I went on out. I don't know where they came in. I suppose they came in the door.

Q. Did you at that time and place, in response to the statement I have made, concerning what Downey said, reply to Downey in the presence of Flaherty, substantially as follows, "No, they will never notice it?"

A. No sir, I had no reason to.

Q. Did you use those words?

A. No sir.

Q. Or any similar words?

A. No sir.

Q. Or any words of that purport?

A. No sir.

---

The record also discloses that this Committee received the heartiest cooperation from the gentlemen who were candidates for the judiciary in the election referred to; all of them appearing before the Committee voluntarily and submitting themselves to interrogation.

The consensus of the opinion of this Committee, after having interrogated these gentlemen was that each candidate had been informed, and was greatly concerned over, the talk of a contemplated steal of the

election; that, as a result, a great deal of care was taken in doing what they could to prevent such a steal; in some instances, it being shown that one of the candidates, accompanied by friends, had gone into the precincts and there had found conditions which he considered to be most culpable violations of the election laws and an apparent effort to defraud candidates who were seeking election; so much so as to cause him to exclaim that the ballots should be recounted and that some of the perpetrators, or persons who had permitted it to be done, should be placed in jail.

In the senatorial race, another candidate appearing before the Committee and testifying, showed a discrepancy in average of votes cast for him to such an extent to have convinced him that irregularities had been practiced and that, in instances, his vote through improper methods had been greatly reduced. So convinced were the supporters and office managers of this candidate, as the election returns came in, first through the source of his checkers, which showed him to have a substantial lead, and later by newspaper and radio showing him to have been beaten, that in several communities of the State of Montana, speakers using sound wagons made speeches in which the accusation was made that election results were being withheld and that the candidate was being counted out.

This candidate had insisted upon one precinct being recounted, wherein he found a discrepancy of very few votes.

In the election of November 3, 1936, this witness also testified that, in his opinion, there was such a variance in the average of the vote received by him in the counties of Valley, Blaine, Carbon and Roosevelt, as to cause his managers to believe that irregularities had been resorted to defeat his candidacy.

That, on or about the twenty-fifth day of February, 1937, the Honorable Jeremiah J. Lynch, the Judge presiding, saw fit to call a Grand Jury in the County of Silver Bow, Montana, for the purpose of investigating into conditions alleged to exist in the said County, particularly those conditions relating themselves to election frauds, gambling and other violations in said county.

That, in the opinion of this Committee, two of the most significant things described in this investigation are the temporary cardboard schedules, marked Exhibits 1 and 2, and testified to as being used for temporary purposes, these cardboards being very typical of devices and methods used in irregularities and frauds in elections.

In relation to the written content of the said Exhibits 1 and 2, as a specific example, it is called to the attention of this Honorable House that where the totals of two candidates were indicated by the scratches or lines used in the tallies and the figures as 216 for one and 236 for the other, the person keeping the said exhibit wrote arbitrarily the total 236 for each of the two candidates, in spite of variance indicated by this temporary tally.

This Committee further finds that the records disclose that, after hearing evidence of alleged fraud and irregularities as pleaded by the parties in the election contest case presided over by him, Judge Leiper, District Judge, found probable cause for the opening of 40 ballot boxes of certain precincts of Silver Bow County and determined that the conditions in relation to said election were such as to warrant possible action by the County Attorney of Silver Bow County and the presenting of the facts and conditions before a Grand Jury. Judge Leiper, when further interrogated before this Committee, stated, "It is my notion that a vigorous presentation of it to a Grand Jury would be worth while. You get some of those fellows before the Grand Jury and you could make them 'sweat'."

That in the examination and investigation of alleged election frauds in the County of Silver Bow and State of Montana, there are numerous other facts, circumstances and conditions which have been called to the

attention of this Committee, which said facts, conditions and circumstances are mentioned in the transcript and record of the proceedings of this Committee; that the brevity of this report makes it impossible to go further into detail, but for such other facts, circumstances and conditions reference is made to the transcript of the proceedings of this Committee, which said transcript by itself and by reference (the transcript of Dubie vs. Batani) consists of approximately 2500 typewritten pages.

## CONCLUSIONS

We, your special committee, from an investigation and from the facts, found

### I.

That the election laws of the State of Montana, particularly within the confines of the County of Silver Bow, and especially during the conducting of elections in the County of Silver Bow, Montana, have been openly and flagrantly violated.

### II.

That the office and influence of a deputy United States Marshal were used in the election of November 3, 1936 for the purpose of coercing, intimidating and compelling election officials to submit ballots to him and to be taken by him for comparison, recount and correction.

### III.

That eighty per cent of the irregularities and violations of election laws in the County of Silver Bow elections resulted from the deliberate ignoring of the letter and spirit of the existing election laws by the County Commissioners of Silver Bow County, in that the County Commissioners of Silver Bow County have:

(a) Named judges and clerks of election without any regard to their training or fitness for office;

(b) By ignoring the requests of the several political central committees in reference to the political affiliations of persons to be so named as election judges and clerks;

(c) By permitting the decision of the said County Commissioners in selecting judges and clerks of election upon the basis of economic need rather than from the standpoint of fitness or experience in election work;

(d) By failing to see that in many instances election judges and clerks took the oath of office as such election officials, or were apprised of or received instruction in the technique of conducting an election;

(e) That the County Commissioners of Silver Bow County have been definitely lax in their duties as such commissioners in relation to supervising the choice of election officials by and through whom elections have been held in the County of Silver Bow.

### IV.

That after elections have been held in the County of Silver Bow the County Clerk and Recorder of Silver Bow County at times has failed to provide complete or adequate protection of the ballots in the ballot boxes from the hour of the closing of the election to and including the hours of the official canvass of the ballots.

### V.

That the Sheriff of Silver Bow County, Montana, has failed in the performance of his duty in not providing adequate guard and protection

for judges and clerks of election from the time of the close of the polls upon election days to and including the hours of completing the canvass and final tallying of the ballots.

#### VI.

That during the election of November 3, 1936 the ballot boxes in the precincts of Silver Bow County were stuffed with illegal ballots.

#### VII.

That the officers of Butte City and the County of Silver Bow were so lax in the performance of their duties on the third day of November, 1936, as to make it possible for a deputy United States Marshal to inspect and patrol the election precincts of the County of Silver Bow from nine o'clock in the morning until three o'clock the following morning without objection, remonstrance or apparent knowledge of his action on the part of the said City and County officers.

#### VIII.

That such irregularities and fraud which are deliberately practiced in the elections of Silver Bow County, Montana are so vicious and widespread as to make it impossible to hold an election in Silver Bow County, Montana, wherein the legally qualified voters of that County shall elect their own candidates or decide the issues presented to them; that such irregularities and frauds express themselves in such a way in the County of Silver Bow as to strongly influence, and in some instances to completely decide, State elections and elections wherein Congressmen and United States Senators from the State of Montana are elected.

#### IX.

That the election affairs of Silver Bow County are now and have been of so unsavory character as to require a complete investigation of all the facts in relation thereto; that the conduct and actions of certain individuals should be completely and thoroughly investigated with the idea in mind that where the facts show probable cause therefor that the manipulators and participants in election frauds should be indicted and prosecuted for their crimes.

#### X.

That the positive evidence taken upon the opening of the ballot boxes by the Silver Bow County Canvassing Board as they canvassed the vote of the judicial ballots that there had been more votes cast upon the judicial ballots in the election of November 3, 1936 than there had been registered voters in the poll books that day, is proof in the opinion of this committee of unquestioned fraud.

#### XI.

It is the further conclusion of this committee that the testimony of the Honorable Mayor of the City of Butte, the City Attorney, of the candidates for district judgeship in the last general election, together with the evidence of other reputable citizens of the County of Silver Bow, Montana, that the general reputation of the general elections of the County of Silver Bow was bad, and particularly the statement under oath of the United States Deputy Marshal, after his exceedingly active day upon November 3, 1936, that the election as he viewed it "was the rottenest he had ever seen" is a correct conclusion in relation to the manner in which certain elections had been conducted in the County of Silver Bow, Montana.

#### XII.

That the conclusion of this committee is that in the County of Silver Bow, as well as in any other community in the State of Montana, the great



majority of the people and registered voters are law abiding and honorable citizens, but the result of this investigation has forced this committee to conclude that a very small minority of people residing in Silver Bow County desirous of changing election results resort to open and vicious irregularities and palpable fraud in order to obtain the election returns and results desired by them.

### XIII.

This committee concludes that for the good of the people of Silver Bow County and the State of Montana, and regardless of inconvenience or expense the election irregularities and frauds perpetrated in elections in the County of Silver Bow should be corrected and eliminated.

### RECOMMENDATIONS

In conclusion, your Committee begs leave to submit the following recommendations, based upon the findings of fact and conclusions as set out in the transcript of the proceedings of this Committee, and in this, their summarized report:

First: That a complete re-registration of all the qualified electors of Montana be immediately made, with the end in view of eliminating hundreds of names of persons now illegally upon the present registration lists. This law, in the opinion of this Committee, will be of inestimable value in correcting election irregularities and fraud.

Second: That some sort of identification or registration card be issued to each elector at the time of registration, which said registration card will contain some distinctive mark, or the signature of said elector, to be used in comparison with a duplicate card kept in the possession of election officials at the polling booth where the elector casts his ballot.

Third. That the official registration stamp now placed upon the ballots shall be placed upon the face of the ballot in a spot designated so as not to interfere with the legibility of said ballot, and so that said stamp may be readily deciphered by the person voting the said ballot, and that in the event that said ballot shall be for any purpose cancelled, the word "Cancelled" shall be stamped upon the face of said ballot in such a position as not to, in any sense, obliterate, deface or make illegible the said ballot.

Fourth: That all official stamps used in connection with election ballots shall be so unique in design as to be extremely difficult of duplication.

Fifth: That the taking of the oath of office as an election official should be made a somewhat formal matter, and that at such time and place definite written instructions in relation to the duties of such officials be given to the officials taking the oath of office. That a copy of these instructions be posted in a conspicuous place in the polling booths of the precincts.

Sixth: We recommend that the existing election laws in relation to the naming of election officials shall be amended so as to make mandatory the naming of election officials as requested by the central committees of the political parties, with the present proviso that no more than a majority shall be named from the dominant party.

Seventh: That the proper steps be taken to forthwith remove from office any city, county or state official found to be openly or flagrantly disregarding the election laws of the state of Montana.

Eighth: That the proper authorities of the United States, the State of Montana, and the County of Silver Bow be requested to examine the record of the proceedings of this Committee, particularly in relation to the proof gathered herein in relation to the alleged circulation of 750 judicial ballots in the election of Silver Bow County, Montana, November

2, 1936, and in said case to determine whether or not, in their opinions, probable cause exists for the indictment and prosecution of persons responsible for the said circulation of said ballots.

(2) To determine whether or not probable cause exists for the indictment and prosecution and removal from office of certain public officials of the city of Butte and county of Silver Bow, alleged to have participated in said alleged election frauds.

(3) To determine whether or not there is probable cause for the proceeding with the indictment and prosecution of the election judge who prepared, on the outside of his precinct polling booth, a ballot which he later had deposited in the ballot box of his precinct.

(4) Whether or not there is probable cause to warrant indictment and prosecution of persons alleged to have been guilty of casting votes as repeaters in several elections held in the County of Silver Bow, Montana.

(5) To determine whether or not probable cause exists for the indictment and prosecution of a citizen of Silver Bow County, Montana, who allegedly deposited forty judicial ballots in the ballot box of Precinct No. 40 or 42, in said county.

(6) To determine whether or not probable cause exists for the indictment and prosecution of a citizen of Silver Bow County, Montana, for alleged impersonation of a United States federal officer.

(7) To determine whether or not there is probable cause for indictment and prosecution and removal of a United States Deputy Marshal for his interference with the functions of certain election officials on November 3rd, 1936, in the County of Silver Bow, Montana.

Ninth: That, because of the Federal questions involved, particularly the testimony offered that an election was to be stolen from a candidate for United States Senator, that a United States Deputy Marshal participated in the election to the extent of interfering with the performance of the duties of election officials of Silver Bow County, in the process of counting and tallying the ballots cast in said election, while ostensibly on duty in connection with the Federal court in the County of Silver Bow and State of Montana; particularly in view of the very apparent and keen interest of this United States Deputy Marshal in the election affairs of Silver Bow County, Montana, in spite of the fact that his headquarters were, and that he resided in, Great Falls, Montana, and that he was not a voter in the County of Silver Bow, Montana; and in view of the fact that the record discloses that, in a previous Congressional election, manipulation of the return of totals and inaccuracies of the counting of the ballots were such as to cause the friends of one candidate to believe that the election returns had been withheld and the said candidate had been "counted out"; this belief being substantiated by the fact that the returns from Mineral County first indicated that the candidate had received no votes whatever in that county, and that return being later changed by the state board of canvassers to a vote of approximately 50; and that the totals received by certain candidates in Silver Bow County, giving such candidates so great a majority as to make it extremely difficult for a candidate not residing in Silver Bow County to compete with them; and the general state-wide aspect and importance of elections require that these questions be submitted to a Federal Grand Jury, regularly called and functioning in the District Federal Court for the Western District of the State of Montana, said Federal Grand Jury to consider all the facts and circumstances in relation to said election irregularities and frauds and to determine whether or not probable cause exists for the removal of certain city, county and federal officials for misfeasance or malfeasance in office and for the indictment and prosecution of the violators of the election laws of the State of Montana and of the United States.

Tenth: That the names of all deceased persons be removed from the registration rolls within thirty days.

In conclusion, this Committee also wishes to direct the attention of this Honorable Body to the observations made by Judge Leiper from the bench during the trial of the contest action over which he presided, to-wit: *Lynch vs. Riley*, No. 36,400, in words and figures as follows, to-wit:

"Throughout these proceedings, there has run through my mind a number of things. Now, it is not part of my duties as temporary presiding judge here in this case to criticise any official. I did have in mind to say, certainly, you have one official—that is the County Clerk—who, in connection with these election proceedings—has followed the law strictly and religiously. He is to be complimented in doing that, in keeping together these election records, as he has done. Certainly, I don't want to be considered as criticising Judge Lynch or Judge Riley, because I am glad to say from the bench I hold each of them in the highest regard. But there are some few conditions revealed here that are simply astounding—I know of no other word to use except astounding. I just want to mention a few of them.

"So astounding are these conditions that it may be truly said no election has been held in Silver Bow County at all. That is not any exaggeration. The purpose of an election is to determine who shall serve us as our public servants. From this election, it is not possible to accurately make any such accurate determination at all. Some of us ought to bear in mind, particularly the members of the bar and the bench that this is a representative government. We don't act for ourselves. We pick those to act for us. We do that in the School Board, and the School Trustees act as our eyes, our voice and our hands. They act for us. The same thing is true of election officials.

"Each precinct chooses its own officials and those election officers become the representative of the voters of that district. It is well to bear in mind that those election officers take a solemn oath, precisely the same oath that the judge of this Court takes, that "I do solemnly swear that I will support and defend, and protect the Constitution of the United States and the Constitution of the State of Montana and perform my duties with fidelity." That is, honestly and efficiently; and when we reach a stage in this country where that oath means nothing, we haven't much left, whether it is the oath taken on the witness stand, or the oath taken by judges of election.

"Of course, it seems here that, even that law is not followed, because we had one judge say he never had taken any oath as judge of election. A fine situation! We had another one who said he did take a solemn oath to perform, with fidelity, his duty, and he said on the witness stand he violated his oath as an election judge by placing in the ballot box an illegal ballot. It occurred to me if he didn't have any more regard for his oath as a witness than his oath as election judge, then it never amounted to much.

"Now, the duties of these election judges are specified by the statutes, and they are so simple that a child can read and understand them. They are plain, simple and understandable. Of course, in order to know what an oath means is that "I will perform my duties with fidelity." If I were to take that as District Judge and not know what my duties are, the oath wouldn't mean much. I do suggest to applicants for citizenship taking the oath that unless they read and studied and understood the Constitution, that their oath that they will support and defend it, that they can't take it before his Court.

"Now, one of these election laws—and I will mention just one or two—requires the election judges to place upon the back of the ballot, near the top, the official stamp. Another law says any ballot that does not contain the official stamp is void and must not be counted. When, therefore, the election judge fails to perform his duty by placing that stamp upon the ballot, he disfranchises his neighbor, and utterly fails to perform a part of the duty imposed by the solemn obligation of the



oath. The election judge—the law makes it his duty when I go in to vote to give me a ballot and I vote it in privacy, and the law is very clear that I, the voter, must come back and hand that to an election judge, that he must then and there proclaim that Frank P. Leiper is voting, and the two clerks, upon that proclamation being made, record the fact in the proper book. Here, it seems, that if I had been voting, I put my own ballot in the ballot box, a most flagrant violation of a very simple and useful law. And is it any wonder we had stuffing of the ballot boxes, which any child knows is not the purpose of the law?

“Now, a whole lot of electors here have been disfranchised, not because of the law, but because the judges of election didn’t perform the duty which they took an oath to do. And I do not want to be understood as saying that all these election judges, or any material part of them, acted dishonestly, not by any means, but the results were just the same, whether the act was honestly done or dishonestly done.

“Again, the law makes it the duty of the election judges to canvass the ballots, not two of them, as was done here time after time, but all of them, and that that canvass will be recorded by the clerks, not by some judge out in another room, as was done here. Whether it was done honestly or dishonestly, the Court cannot say now. We assume it was done honestly. If we don’t follow the law, what will we follow? We will either have a government of laws or anarchy; and there isn’t any half way measure about it. If that law had been followed, we couldn’t have had such results as had been shown here at all.

“Now, we have had the general public crowding around the tables at which the count was being made. Certainly, that count must be publicly made. The sessions of this Court must be public, and they are public, but that doesn’t mean Tom, Dick and Harry can lean over my desk, the stenographer’s desk, the clerk’s desk, or counsel’s desk, and interfere with the orderly procedure of this Court; and the same principle applies to the election judges; and the same duty that is imposed on this Court to see to it that the proceedings are conducted orderly is imposed upon the election officials.

“These are just a few general observations, some of which I jotted down here. I mentioned just a few of these duties of the judges. Now election contests will not cure this any at all. The election that has been shown here and the way it was conducted is a monstrous thing. It is the greatest crime that ever I have listened to from the bench. I tried many murder cases, cases of every description, either as trial lawyer or District Judge, for thirty-four years, but I never heard anything which comes so nearly destroying everything that is basic in our government, as I listened to in this proceeding. You folks from Silver Bow County are just like all the rest of us all over the State and are no different. I don’t want to be understood in saying otherwise; I know better; but this thing destroys the vote, it destroys sovereignty; it removes equality; it is the most serious crime in the whole category. An election contest won’t cure it. If we have an epidemic of typhoid fever, we will not cure it by calling in all the doctors in town, when the doctors tell us that this is caused by impure water coming from the springs. We will cure it when we purify the spring, and the spring is these election precincts. Part of it is due to the selection of these election officers by the County Commissioners; a part of the fault lies there, not all of it.

“Citizenship carries with it a lot of privileges and corresponding duties. It is the duty of the citizens of these precincts to go before the County Commissioners and say to them, “We want election judges appointed in each one of these precincts who are efficient and honest,” and if they don’t get them, then it is time something has to be done pretty drastically.

“It might be said, too, us folks down in Dawson County are affected by this election. You are helping choose folks that are making our laws, our



State officers. Since we are all alike, it is hoped there will never be another election in Silver Bow County such as this last one has been.

"I told you gentlemen before that I came up here under compulsion. I enjoyed being here. I hope if I ever come back again, it will not be to try an election contest.

"The Court is in recess."

---

The opinion of Judge Leiper in relation to existing conditions is largely coincided in by the Honorable Mayor of the City of Butte, the contestant and contestee in the judgeship cases, the other presiding judge of the District Court of Silver Bow County and numerous other witnesses sworn and interviewed in this proceeding, and it is especially the opinion of the United States Deputy Marshal, whose activities were so great upon election day in the County of Silver Bow, and whose opinion was that the election held on November 3rd, 1936 was "the rottenest thing he had ever seen." These opinions are also the opinion of this Committee, based upon the facts heard and found herein.

This Committee respectfully requests that the full facts of this report and a transcript of the proceedings herein be sent to the United States District Attorney of Montana and to the United States Attorney General at Washington, D. C.

This Committee does not wish this Honorable House to feel that they have forgotten or overlooked other questions contained in the Resolution under which this Committee has functioned and by virtue of which this report is made, but due to the limited time at the disposal of the Committee, it was impossible to make an investigation of the so-called liquor and gambling law violations other than in a general and somewhat perfunctory way.

This Committee was reliably informed that gambling had been wide open and prevalent in many locations in the County of Silver Bow up to a period of time within a few days before the convening of the Committee in the County of Silver Bow; that, upon the day prior to the arrival of the Committee in Silver Bow County, Montana, that all of said gambling was closed and discontinued for the period of time within which this Committee functioned within the confines of the County of Silver Bow.

It is also the definite and reliable information of this Committee that liquor is now being sold in establishments and over bars in many places in the County of Silver Bow without restriction or regard for the liquor laws.

Basing our opinion upon information received by this Committee, this Committee believes both of the above statements to be completely true.

It is a most commendable thing that one of the presiding judges of Silver Bow County, recognizing many of the conditions set forth in this report, concluded upon the first day's visitation of this Committee to Silver Bow County, Montana, to draw a Grand Jury. It is the earnest hope and desire of this Committee that the ramifications of the activities of this Grand Jury will extend into every phase of the matters and things contained in this report. To this end, we recommend that a copy of the transcript of the proceedings of this Committee be delivered to the county attorney of Silver Bow County in order that he may have at hand the full information contained in this report and also the assurance of the complete cooperation of the members of this Committee. To completely serve its purpose, the Grand Jury so functioning will be able to complete, verify and develop the facts herein contained.

The transcript of the proceedings of this Committee does not include gossip rumors nor statements of persons who are later unwilling to discuss the facts which they state they know. To have followed the very open

comment and general impressions prevalent in Silver Bow County would be to fill a record much larger than the transcript of this Committee. Rather, this Committee has chosen to present definite facts, records of several courts and the testimony of reputable witnesses, and each and every fact herein contained may be substantiated by good and sufficient proof.

To the Honorable Members of this House, in an extremely difficult task, your Committee has done its best.

Respectfully submitted:

(Signed) J. F. HOLECEK, Chairman.  
R. BAILEY STORTZ,  
JASPER DeDOBBELEER,  
FRED H. PADBURY.

My dear Mr. Speaker:

Previous to this date I requested to be relieved of further duties in connection with your committee on election frauds in Silver Bow County, which was accepted by the House. I did this because of my disapproval of the manner in which the report of another committee of which I was a member was received by the members of the Honorable House of Representatives. However, I wish you and the Honorable House to know, that I have been very active in the securing of facts in relation to the alleged election frauds in Silver Bow County. The report as prepared by your committee on that important matter has my full approval and sincere support.

I hope the report will be accepted and approved by the Honorable House.

Cordially yours,

(Signed) ALBERT H. KRUSE.

It was moved by Holecek, duly seconded, that the report be adopted and that 500 copies be ordered printed and a copy mailed to each member and that such other officers and citizens as the committee may designate be provided with copies as long as they last and that the Committee be discharged at the end of this legislative day.

On substitute motion, it was moved by Hardcastle, duly seconded, that the report be adopted but that the remainder of the motion of Holecek be stricken.

On substitute motion for all motions pending, it was moved by Stromnes, duly seconded, that further consideration of the report be indefinitely postponed. Motion lost. Motion by Hardcastle was put and lost. Whereupon motion by Holecek was carried.

#### REPORTS OF STANDING COMMITTEES

The Committee on Engrossing reported House Bill No. 415 correctly engrossed.

PETERSON (Pondera), Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded, that further action on House Bill No. 415 be indefinitely postponed. A roll call was demanded by the required number and the motion lost by the following vote: Ayes: 27, Noes: 59, Absent: 12, Passed: 4.

The Committee on Enrolling reported House Bill No. 246 correctly enrolled.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 246 introduced by me and find the same to be correct.

MONAHAN.

The Spaeker signed House Bill No. 246 in Open Session.

### THIRD READING

House Bill No. 415, having been read three several times at length, history and title agreed to, was passed by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bower, Brennan, Campbell, Chamberlain, Chatham, Cohen, Crouse, Cruickshank, Daly, Dougherty, Elliott, Finnegan, Freshman, Goodwin, Hamilton, Hardcastle, Heavlin, Hedden, Hoiness, Ijams, Joffray, Johnson, Leeson, Lehrkind, Lemmer, Levissee, Lovell, McClain, Mackie, Manning, Masterson, Miles, Miller (Roosevelt), Minette, Mitchell, Monahan, O'Connor, Padbury, Parker, Peterson (Sheridan), Phelan, Reed, Ruffcorn, Schneider, Scofield, Shanley, Sherman, Smith, Stromnes, Tyler, Wenger, Whaley, Wood, Mr. Speaker. Total 58.

Noes: Acher, Bjorneby, Bloom, Brayman, Burns, Conner, Cusick, DeDobbeleer, Green, Haight, Haugan, Hess, Holecek, Jackson, Kruse, Lambert, Lasby, Lippard, Longenecker, McLeod, Measure, Metcalf, Metlen, Miller (Big Horn), Mulholland, Mungas, O'Shea, Peterson (Pondera), Scott, Spiegel, Waldrop. Total 31.

Absent and not voting: Anderson (Chouteau), Eggenberger, Kelson, Love, McKenna, Sorte, Stimatz, Stortz, Toomey, Trandum, Vanek. Total 11.

Passed their vote: D'Ewart and Nelson. Total 2.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 415 was this day read third time and concurred in, history and title agreed to and bill is herewith returned to the House.

Respectfully,  
GEORGE A. BURR,  
Secretary of the Senate.

### REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee appointed to confer with a like Committee from the Senate on S. B. 84, beg leave to report as follows:

That the House recedes from House amendments adopted by the House on report of the Committee on Revenue and Taxation and recommend in lieu thereof that:

Section 1, line 15, of the original bill be amended by striking out the words "the particular property assessed" and inserting in lieu thereof the words "any or all of such property".

And as amended be concurred in.

BENJAMIN,  
NASS,  
ECTON,  
For the Senate.

METLEN,  
ANDERSON (Phillips),  
For the House.

On motion, duly seconded, that conference committee report on House Amendments to Senate Bill No. 84, was adopted by the following vote:

Ayes: Alvord, Anderson (Silver Bow), Anderson (Phillips), Anderson (Lincoln), Bjorneby, Bower, Chamberlain, Chatham, Cohen, Conner, Crouse, Cruickshank, Daly, D'Ewart, Dougherty, Finnegan, Freshman, Goodwin, Green, Haight, Hamilton, Hardecastle, Haugan, Heavlin, Hedden, Hess, Hoiness, Ijams, Jackson, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Love, Lovell, McClain, Manning, Masterson, Metlen, Miles, Miller (Roosevelt), Miller (Big Horn), Minette, Monahan, Mungas, Nelson, O'Connor, Padbury, Parker, Peterson (Pondera), Peterson (Sheridan), Phelan, Reed, Schneider, Scofield, Shanley, Sherman, Smith, Stromnes, Tyler, Vanek, Waldrop, Wenger, Wood, Mr. Speaker. Total 70.

Noes: McLeod, Mulholland, Spiegel. Total 3.

Absent and not voting: Acher, Anderson (Chouteau), Bloom, Brayman, Brennan, Burns, Campbell, Cusick, DeDobbeleer, Eggenberger, Elliott, Holecek, Joffray, Kelson, Lambert, McKenna, Mackie, Measure, Metcalf, Mitchell, O'Shea, Ruffcorn, Scott, Sorte, Stimatz, Stortz, Toomey, Trandum, Whaley. Total 29.

The Committee on Enrolling reported the following correctly enrolled: House Bills Nos. 344, 276, 166, 209, and 289.

McKENNA, Chairman.

Report adopted.

I have examined enrolled House Bill No. 276 introduced by me and find the same to be correct.

MILES.

I have examined enrolled House Bill No. 166 introduced by me and find the same to be correct.

FINNEGAN.

I have examined enrolled House Bill No. 209 introduced by me and find the same to be correct.

JOHNSON.

I have examined enrolled House Bill No. 344 introduced by me and find the same to be correct.

HOLECEK.

I have examined enrolled House Bill No. 289 introduced by me and find the same to be correct.

CAMPBELL.

#### MOTIONS AND RESOLUTIONS

It was moved by McClain, duly seconded and carried, that the members of the Committee appointed to investigate the Montana Relief Commission be permitted to complete the report and that the Sergeant-at-Arms be instructed to mail a mimeographed copy of same to each member of the assembly and a copy to the Governor and to the New Social Security Committee.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that:

The Senate this day on roll call adopted the report of the Joint Conference Committee on House Amendments to S. B. No. 84, Senate Amendments to H. B. No. 276, Senate Amendments to H. B. No. 38, Senate Amendments to House Bills Nos. 344, 412, 88, 343 and House Amendments to Senate Bill No. 85.

Respectfully,

GEORGE A. BURR,

Secretary of the Senate.



Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, upon advice from the House that said body had completed its business and was ready to adjourn sine die, on motion, requested that the President appoint a committee of three members to notify the Governor that the Senate, having completed its business, was ready to adjourn sine die, and a similar committee to notify the House of Representatives; whereupon the President appointed the following to notify the Governor: Senators Plank, Page and Cooper. To notify the House: Senators Keeley, Drumheller and Larson.

Respectfully,

GEORGE A. BURR,  
Secretary of the Senate.

The Committee on Enrolling reported the following correctly enrolled: House Bills Nos. 415, 256 and 337.

McKENNA, Chairman.

Report adopted.

I have examined House Bill No. 256 introduced by me and find the same to be correct.

ALVORD.

I have examined enrolled House Bill No. 415 introduced by me and find the same to be correct.

MONAHAN.

I have examined enrolled House Bill No. 337 and find the same to be correct.

MONAHAN.

The Speaker signed the following measures in Open Session: House Bills No. 344, 276, 166, 209, 89, 256, 415, 337 and Senate Bill No. 84.

### MOTIONS AND RESOLUTIONS

It was moved by Spiegel, duly seconded and carried, that a Committee of three members of the House be appointed by the Speaker to notify his Excellency, the Governor, that the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana, having completed its work, is about to adjourn sine die.

The Speaker appointed Metlen, Spiegel, and Kruse to notify his Excellency, the Governor.

It was moved by Spiegel, duly seconded and carried, that a Committee of three be appointed by the Speaker to notify the Honorable Senate that the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana, having completed its work, is about to adjourn sine die.

The Speaker appointed Monahan, Hamilton and Miles to notify the Honorable Senate.

It was moved by Stromnes, duly seconded, that all motions pertaining to adjournment previous to the last two motions by the Floor Leader be expunged from the Journal. After considerable discussion, the previous question was moved by Shanley, duly seconded and carried. A roll call was demanded, to be entered in the Journal, by the required number. Whereupon motion by Stromnes, that all reference to adjournment prior to the last two motions made by the Floor Leader be expunged from the Journal, carried by the following vote:

Ayes: Anderson (Phillips), Brennan, Campbell, Chatham, Daly, D'Ewart, Dougherty, Goodwin, Green, Haight, Hamilton, Heavlin, Hedden, Hoiness, Ijams, Joffray, Johnson, Kruse, Lasby, Leeson, Lehrkind, Lemmer, Levissee, Lippard, Longenecker, Lovell, McKenna, Manning, Metlen,

Miles, Minette, Mitchell, Monahan, Mungas, O'Connor, Padbury, Parker, Phelan, Reed, Shanley, Sherman, Smith, Stromnes, Vanek, Waldrop, Wenger, Wood, Mr. Speaker, Scofield. Total 49.

Noes: Anderson (Lincoln), Chamberlain, Finnegan, Freshman, Hardcastle, Hess, McClain, McLeod, Metcalf, Mulholland, Nelson, Spiegel. Total 12.

Absent and not voting: Acher, Alvord, Anderson (Chouteau), Anderson (Silver Bow), Bjerneby, Bloom, Bower, Brayman, Burns, Crouse, Cruickshank, Cusick, DeDobbeleer, Eggenberger, Elliott, Haugan, Holecek, Kelson, Lambert, Love, Mackie, Masterson, Measure, Miller (Roosevelt), Miller (Big Horn), O'Shea, Peterson (Pondera), Peterson (Sheridan), Ruffcorn, Schneider, Scott, Sorte, Stimatz, Stortz, Toomey, Trandum, Tyler, Whaley. Total 38.

Passed their vote: Cohen, Conner, Jackson. Total 3.

A Committee from the Honorable Senate appeared and the Chairman informed the House of Representatives that the Senate had finished its business and was ready to adjourn sine die.

Monahan, Chairman of the committee to notify the Senate, reported the duty performed and the committee was discharged.

Metlen, chairman of the committee to notify his Excellency, the Governor, reported the duty performed and that the Governor gave his assurance that he was pleased with the work and that he had no further communications to make to the House.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Sixtieth Legislative Day, find the same to be correct.

LIPPARD, Chairman.

Report adopted.

It was moved by Spiegel, duly seconded and carried, that the House of Representatives of the Twenty-fifth Legislative Assembly of the State of Montana, do now stand adjourned sine die.

H. D. ROLPH,  
Speaker.

JOHN J. JEWELL, Chief Clerk.



















